

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
5th Legislative Day
Tuesday, April 8, 2008

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

Prayer by Father David Cote, St. Peter Chanel Parish, Van Buren.

National Anthem by Mahoney Middle School Band, South Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Clarify the Application of Prevailing Wage Requirements"

(H.P. 328) (L.D. 412)

Majority (7) **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" (H-640)** in the House on March 4, 2008.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Strengthen Maine's Consumer Protections against 'Slamming'"

(H.P. 1632) (L.D. 2269)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) in the House on April 4, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AND SENATE AMENDMENT "A" (S-569)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

(H.P. 1159) (L.D. 1650)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851) AS AMENDED BY HOUSE AMENDMENT "A" (H-887) thereto in the House on April 2, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) in the House on April 2, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "A" (S-537) AND "B" (S-557)** in **NON-CONCURRENCE**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting

(H.P. 1488) (L.D. 2102)
(S. "A" S-531 to C. "A" H-818)

PASSED TO BE ENACTED in the House on April 4, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) AS AMENDED BY SENATE AMENDMENT "B" (S-560)** thereto in **NON-CONCURRENCE**.

On motion of Representative MARLEY of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

(H.P. 1503) (L.D. 2123)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** in the House on April 4, 2008.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-869)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)

(H.P. 1576) (L.D. 2209)

Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-888)** thereto in the House on April 4, 2008.

Came from the Senate with Report "A" (6) **OUGHT NOT TO PASS** of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 757)

MAINE SENATE

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

April 7, 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 Education and Cultural Affairs, the nomination of Justin Chenette of Saco for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honor R. Wilkinson of Calais for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Frances R. Frost of Portland for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Joan P. Nason of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Maggie Hoyt of Edgecomb for appointment to the School Board of the Governor Baxter School for the Deaf.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 759)
**MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

April 7, 2008
The Honorable Millicent M. MacFarland
Clerk of the House
123rd Maine Legislature
Augusta, Maine 04333
Dear Clerk MacFarland:

Senate Paper 741 Legislative Document 1932 "An Act To Amend the Laws Regarding School Funding (EMERGENCY)," together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

12 voted in favor and 23 against, accordingly it was the vote of the Senate that the bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)

(H.P. 1667) (L.D. 2307)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: BOLAND of Sanford, BURNS of Berwick, CANAVAN of Waterville, HAYES of Buckfield, HINCK of Portland, PENDLETON of Scarborough, TRINWARD of Waterville, Senator: President EDMONDS of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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

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

Representative BARSTOW of Gorham moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENGROSSED**.

Subsequently, Representative BARSTOW of Gorham **WITHDREW** his motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Stabilize the Department of Inland Fisheries and Wildlife's Bureau of Warden Service and Fisheries and Hatcheries Division"

(H.P. 1668) (L.D. 2308)

Sponsored by Representative RICHARDSON of Carmel. Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, PINEAU of Jay, SARTY of Denmark, WHEELER of Kittery.

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

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Definition of 'Penobscot Indian Reservation'"

(H.P. 1666) (L.D. 2306)

Sponsored by Representative LORING of the Penobscot Nation. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act To Enhance the Security of State Credentials"

(H.P. 1669) (L.D. 2309)

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

Cosponsored by Senator SAVAGE of Knox.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative GERZOFKY of Brunswick, the following Joint Order: (H.P. 1665)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," shall meet to study issues related to sex offender registration laws as follows.

1. Convening of committee; meetings. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than June 15, 2008. The committee may meet 4 times.

2. Duties. The committee's duties include:

A. Using other states' models for tiered systems based on risk and other examples of sex offender classification and assessment and creating a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify registrants based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;

B. Creating processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information; and

C. Reviewing the current list of registerable sex offenses and determining if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

4. Compensation. Pursuant to Joint Rule 353, members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

5. Report. No later than November 5, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for the consideration of the First Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. The joint standing committee of the 124th Legislature having jurisdiction over criminal justice and public safety matters may, pursuant to Joint Rule 353, introduce a bill during the First Regular Session of the 124th Legislature to implement the recommendations on matters relating to the study.

READ.

On motion of Representative GERZOFKY of Brunswick, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dielectric Communications, of Raymond, a division of SPX and leader in broadcast antenna systems, on its receiving a Technology and Engineering Emmy Award from the National Academy of Television Arts and Sciences. This award was presented to Dielectric Communications in recognition of the firm's accomplishments in designing ATSC broadcast system RF

filters. These filters play a pivotal role in keeping a transmission system in compliance with the Federal Communications Commission, while also eliminating interference from neighboring stations by absorbing out-of-band emissions coming from other broadcasters. We congratulate Dielectric Communication's President Garrett VanAtta and Vice-president Kerry Cozad and all of the company's supporting employees on their earning this distinctive honor;

(HLS 1174)

Presented by Representative ROBINSON of Raymond.

Cosponsored by Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative ROBINSON of Raymond, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Dahlov Ipcar, of Georgetown, renowned Maine artist, who celebrated her 90th birthday on November 12, 2007. Mrs. Ipcar, who had a solo show at New York's Museum of Modern Art when she was just 21 years old, has had an illustrious artistic career that has included many accolades, critical acclaim and honorary degrees. Born in Vermont and raised in Greenwich Village, New York, she met her late husband, Adolph, in Maine, where they made their home. Dedicated conservationists and anti-war activists, the Ipcars ran a dairy farm in Georgetown where the artist still lives and paints. We extend our warmest wishes to Mrs. Ipcar and thank her for her artistic contributions to the State;

(HLS 1175)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Representative MacDONALD of Boothbay, Senator BENOIT of Sagadahoc.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. How many of us are grateful in all of our small communities when we have someone who brings such bold colors and bright images as Dahlov Ipcar does to the mid-coast region. Though her home is in the Town of Georgetown, everyone in the mid-coast area is very familiar with Dahlov. She is a children's book illustrator and writer, as well as passionate leader in the world of public policy and politics, and I invite you to come to Bath and look at the mural she did in the children's room, and I invite you to come to the Georgetown Elementary School and see the mural she did down there. Her gifts to the community are amazing. I am so excited that she has celebrated her 90th birthday. I want her to continue to 100, so she will continue to brighten not only the lives of those of us in the mid-coast area, but those of the State of Maine. Happy Birthday, Dahlov.

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

Recognizing:

Philip and Dolores Beaudette, of Biddeford, on the celebration of their 60th Wedding Anniversary, April 10, 2008. We extend our congratulations and best wishes to Mr. and Mrs. Beaudette on this special occasion;

(HLS 1176)

Presented by Representative BEAUDETTE of Biddeford.

Cosponsored by Representative CASAVANT of Biddeford, Representative BEAUDOIN of Biddeford, Senator HOBBS of York, Senator SULLIVAN of York.

On **OBJECTION** of Representative BEAUDETTE of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Many times, my father has told me that the secret to a long and successful marriage is to have a sense of humor, and I can give you a brief example of that type of sense of humor that my parents have enjoyed over the years: There was one time, fairly early in their marriage, when my father had been out socializing and was arriving back at the apartment a little later than he was anticipated. When he arrived, my mother was not pleased with him and expressed her dissatisfaction, and as she finished expressing her dissatisfaction, she told my father to take the door. So my father being a wise man went out the door, down the stairs, began to think about how, okay, how do I fix this one. So he went to one of the sheds that was in a storage area in the apartment building, took one of the doors off its hinges, went back up the stairs, knocked on the door and said here is the door, what do you want me to do with it now. Obviously, end of argument.

Mom and Dad, thank you very much for all the love and support you have given me. I hope that Ann Marie and I are as fortunate as you are, to be as happy as you are, after 60 years of marriage. Thank you, Mr. Speaker.

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

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

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief"

(S.P. 766) (L.D. 1972)

Received by the Secretary of the Senate on April 4, 2008, pursuant to Joint Rule 309.

Came from the Senate with the Bill **PASSED TO BE ENGROSSED**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER ACTION** and later today assigned

Ought to Pass Pursuant to Resolve

Representative PERRY for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Invest in Maine's Young Children"

(H.P. 1671) (L.D. 2311)

Reporting **Ought to Pass** pursuant to Resolve 2007, chapter 136.

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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order

Representative PIOTTI for the **Joint Standing Committee on Taxation** on Bill "An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes"

(H.P. 1670) (L.D. 2310)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1233.

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** and sent for concurrence.

Ought to Pass as Amended

Report of the Committee on **LABOR** on Bill "An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers"

(S.P. 424) (L.D. 1223)

Reporting **Ought to Pass as Amended by Committee Amendment "B" (S-392)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Divided Reports

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-561)** on Bill "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

(S.P. 885) (L.D. 2255)

Signed:

Senators:

BARTLETT of Cumberland
HOBBS of York
SMITH of Piscataquis

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-562)** on same Bill.

Signed:

Representatives:

THIBODEAU of Winterport

CURTIS of Madison
ADAMS of Portland

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-561).**

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I would like to speak to this just a little bit. Obviously, serving on the Utilities and Energy Committee has been a lot of fun this term and have learned a lot of really important stuff. This is the Chief Executive's bill. It has to do with energy corridors in the State of Maine, and we spent a lot of time thinking about that and the implications of that. I want to tell you there are a lot of good things in this bill, but there are some things that I am fairly uncomfortable with.

In our public hearings and during our work session, we debated whether or not it was appropriate for the State of Maine to be in a position where we, or the PUC, is given the authority to buy real estate as transmission corridors. And during that debate, it was kind of interesting, some of the outcomes and some of the comments. We had the Commissioner of the PUC indicate to us that, indeed, there were some things that were appropriate and some things were not appropriate to say on the public record. Well that seems a little strange to me because anything that we do in this institution, we certainly ought to be able to defend on the public record. The indication by the Commissioner was that things that we said in committee were okay to say, but things that were said on the House floor may not be. You know, I am not sure that I personally, in my position, want to be voting for laws that may not be something that we can say in this institution, in this body. I think that once we reach that threshold where we can't openly discuss the real objectives of the bill, maybe we ought to rethink our vote. So with that said, as you decide which way you want to vote, just remember that there are certain things we are supposed to discuss in the public forum here and certain things we are not. Thank you and I would like to request a roll call.

Representative THIBODEAU of Winterport **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 Madison, Representative Curtis.

Representative **CURTIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice on this bill that is it is a Divided Report. You notice those who are divided on the Ought Not to Pass as Amended with Amendment "B" (562), probably most of the time were divided, but today we have come together on an issue that I think we need to give some serious thought to before we jump into something that takes on the air of preempting that the Federal Government may be doing, or is hinting of doing. I think we need to be very careful when we make a move that gives the err of jumping ahead of, or getting in front of an issue that has bigger and broader parameters than just the State of Maine. Yes, we do need to expand and look at the corridors of expanding our transmission

lines, but we felt, on the Minority Report, that maybe it was time to give the Governor's Office of Energy Independence and Security the opportunity to gather the facts, and to monitor all of the activities and the proceedings and the developments related to the United States Department of Energy activity regarding electric transmission corridors. We must be very careful, very cautious when we as a state begin to take action for the sole purpose of preempting something that the Federal Government may or may not be doing. We need to take time, slow down and gather the facts, get the information and make wise decisions that have the best interest of the citizens of the State of Maine.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If you take the time to read this bill, you will see that is really basically divided into three parts: Section A, Section B and Section C.

The first part of the bill, I am delighted to say, attempts to provide some rationality to what is going to happen when we move forward with new alternative energy sources. You may have noticed over the past few years that the Utilities and Energy Committee is trying to move us, as rapidly as possible, into examining and encouraging alternative energy sources, most prominently wind power. When these new wind locations are up and operational, somehow that energy has to get onto the grid.

Part A of this bill allows the Public Utilities Commission to oversee our rational development of electronic transmission lines into what might be called corridors to prevent the state from looking like a giant spider web.

Part B of this bill permits Utilities to enter into financial transactions tied to the market price of electricity. We think this will help those utilities and, therefore, help the ratepayers in the state.

Part C of this bill takes an office that was created several years ago by the Chief Executive out of whole cloth, the Office of Energy Independence and Security, that really isn't an office and really doesn't exist, and puts it into statute as a real entity. We think this is a huge advantage for the state, so that there is someone in the Governor's Office, on the Governor's staff, who keeps their finger on all of the issues that go on, internal to the State of Maine and external to the State of Maine, that relate to energy issues and energy policy.

We think this is a good bill, we think it makes sense, and I urge you to support it. Thank you, Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Utilities and Energy Committee has been working with the Governor's Office, and with the industry as a whole, to try to figure out what we need to do in the State of Maine to stop the price of electricity, and have on the decline rather than the increase, which we all experience every month, as well as get to a rational plan to really put Maine in a strategic position from a standpoint of the generation of electricity from alternative energy sources. This bill is a step in the right direction.

Now with any new initiative, there are a lot of unknowns, and what we try to do is to make sure that there was enough checks and balances between major substantive rulemaking, as well as getting various people involved in this process. We have a great opportunity before us and even though we may think the future is known, it is not known, but the things we do know is that Maine has a great opportunity for the generation of wind power, which will be needed throughout New England.

What this bill will do, as has already been stated, will put a

rational planning process in place to allow that to happen, and in the process of doing that make sure that Maine ratepayers receive some of the value that we are creating for the rest of New England. The whole idea of somebody else will do it for us, I am kind of reminded of the old saying the world is run by those who show up. We were concerned that if Maine does not have a rational plan and a rational strategy, others may come in and either not do it in a comprehensive manner or come in and make the decision for us. So I am very much in favor of this bill because it takes a proactive approach, it puts the people in the State of Maine through the PUC and other energy offices in charge of getting this plan, and making sure it happens in a responsible manner, so I would appreciate your support on this bill. Thank you.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand here to express some concerns about this legislation, some of which have already been expressed by those who voted in the minority, and I wanted to put on the record what some of those concerns are, and I have some hope that amendments that may be introduced subsequently will address some of these concerns.

My concern is not with the fact that there is the intent to establish a rational process, we all want to be rational, but I do want to make clear to the members of this body before we vote that this is not a wind power bill, there is a separate bill that is related to wind power. This is not necessarily about alternative energy; it is about every kind of energy and every kind of transmission line, corridor, pipeline that you would need to use in order to go forward with any energy project.

I do have concerns about the PUC, in particular, the process of the PUC that is outlined here in this legislation. My concerns go to whether there is going to be sufficient testing of the evidence that is presented to the PUC, and whether the process is, in fact, rigorous enough, or whether it is really a public hearing process, similar to a legislative hearing that we have here in this body. My concerns go also to what kind of evidence will be on the record and will be required to be relied upon by the PUC should they make the designation of an energy corridor, which carries with it all kinds of implications, including, ultimately, eminent domain authority.

I have concerns about the role of that process before the PUC, in any subsequent process for various permits that will be held by the Department of Environmental Protection and other natural resources agencies. I am concerned about what level of consultation will exist between the PUC and those environmental agencies as they move forward in their rulemaking process to designate an energy corridor. I am concerned that persons who may have a fairly speculative and undeveloped financial backing may seek to invoke this process, and that there may be inadequate provisions to dismiss their applications right off the bat.

I am not here to challenge the overall premise of this, but I do think that there are problems with the way it is currently drafted, and I look forward to seeing this move ahead with some amendments that will clarify those concerns so that I can support it at a later time.

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. 342

YEA - Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Bliss, Brautigam, Briggs, Burns, Cain,

Campbell, Carey, Carter, Casavant, Cebra, Clark, Cotta, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jacobsen, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rand, Richardson D, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Tuttle, Vaughan, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Ayotte, Boland, Browne W, Bryant, Chase, Conover, Cray, Curtis, Finley, Gould, Johnson, Joy, Knight, Lansley, McKane, Moore, Plummer, Prescott, Richardson W, Robinson, Sykes, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Walker, Weaver.

ABSENT - Blanchard, Blanchette, Canavan, Cleary, Connor, Dunn, Emery, Greeley, Hayes, Lewin, Miramant, Muse, Pieh, Pinkham, Pratt, Priest, Rector, Simpson.

Yes, 102; No, 31; Absent, 18; Excused, 0.

102 having voted in the affirmative and 31 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-561)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (S-561)** and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass** on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)

(H.P. 1662) (L.D. 2304)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
THERIAULT of Madawaska
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-937)** on same Bill.

Signed:

Representatives:

THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport

READ.

Representative PEOPLES of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-935)** on Bill "An Act To License Certified Professional Midwives"

(H.P. 1616) (L.D. 2253)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

SAMSON of Auburn
MacDONALD of Boothbay
PRESCOTT of Topsham
SMITH of Monmouth
CLEARY of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-936)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

BEAULIEU of Auburn
AUSTIN of Gray
SILSBY of Augusta
RECTOR of Thomaston
BEAUDETTE of Biddeford

READ.

Representative SMITH of Monmouth 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.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-938)** on Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

(H.P. 1585) (L.D. 2219)

Signed:

Representatives:

MOORE of Standish
WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-939)** on same Bill.

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

READ.

Representative PATRICK of Rumford 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 **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)

(H.P. 1524) (L.D. 2145)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
WATSON of Bath
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-942)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls
WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

READ.

On motion of Representative PIOTTI of Unity, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Six Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-914)** on Bill "An Act To Continue Maine's Leadership in Covering the Uninsured"

(H.P. 1608) (L.D. 2247)

Signed:

Senator:

BOWMAN of York

Representatives:

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

Five Members of the same Committee report in Report "B"
Ought Not to Pass on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham
 RICHARDSON of Warren
 SAVAGE of Falmouth
 McKANE of Newcastle

One Member of the same Committee reports in Report "C"
Ought to Pass as Amended by Committee Amendment "B"
(H-915) on same Bill.

Signed:

Senator:

SULLIVAN of York

READ.

Representative CROCKETT of Augusta moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative CROCKETT of Augusta to **ACCEPT** Report "A" **Ought to Pass as Amended** 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:

(H.P. 1621) (L.D. 2258) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(H.P. 1389) (L.D. 1951) Bill "An Act To Create the Mental Health Homicide Review Board" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-950)**

(H.P. 1554) (L.D. 2184) Bill "An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-953)**

(H.P. 1557) (L.D. 2187) Bill "An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-949)**

(H.P. 1579) (L.D. 2212) Bill "An Act Concerning Public Records Exceptions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-957)**

(H.P. 1586) (L.D. 2220) Bill "An Act To Aid Victims of Identity Theft in Securing a Police Report and To Aid Victims in Court Proceedings When Their Identities Have Been Stolen and Falsely Used" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-958)**

(H.P. 1639) (L.D. 2274) Bill "An Act To Amend the Municipal Tree Growth Reimbursement Formula" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-952)**

(H.P. 1641) (L.D. 2276) Bill "An Act To Improve the Administration of State-Municipal Revenue Sharing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-951)**

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

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

ENACTORS
Emergency Measure

Resolve, To Prevent Domestic Violence and Protect Our Citizens

(S.P. 784) (L.D. 1990)
 (C. "A" S-525)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Create the Maine Council on Poverty and Economic Security

(S.P. 362) (L.D. 1110)
 (C. "A" S-548)

An Act To Adopt the Revised Uniform Anatomical Gift Act

(S.P. 528) (L.D. 1505)
 (C. "A" S-527)

An Act To Establish a Consumer Council System of Maine

(S.P. 761) (L.D. 1967)
 (C. "A" S-547)

An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children

(S.P. 794) (L.D. 2000)
 (C. "A" S-552)

An Act To Amend the Tournament Games Laws

(S.P. 849) (L.D. 2206)
 (C. "A" S-546)

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

(S.P. 862) (L.D. 2230)
 (C. "A" S-544)

An Act To Modernize the Local Health Officer Statutes

(S.P. 915) (L.D. 2294)

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.

An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events (H.P. 1428) (L.D. 2044) (C. "A" H-873)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative PERRY of Calais, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill 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-873)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-907)** to **Committee Amendment "A" (H-873)** which was **READ** by the Clerk.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment actually is a correction of changes that occurred as a result of going back to the Revisor's Office to be printed, which, as a result, made some substantive changes. This is to make that correction and put them back into the bill. This was a Unanimous Report. Thank you.

House Amendment "A" (H-907) to **Committee Amendment "A" (H-873)** was **ADOPTED**.

Committee Amendment "A" (H-873) as Amended by **House Amendment "A" (H-907)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-873)** as Amended by **House Amendment "A" (H-907)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Spindleworks, an art center in Brunswick for adults with disabilities, on its 30th Anniversary. Spindleworks was established in 1978 as a program of the Independence Association, whose mission is to support children and adults with disabilities to achieve full and inclusive lives in their chosen communities. Today the art center supports 40 artists working in many media, including drawing, painting, weaving, fiber arts, woodwork, ceramics, writing, acting and most recently sound and video. It is a testament to the important and longstanding work that the Independence Association has done on behalf of people with disabilities by providing them with a safe and nurturing place. We extend our congratulations to Spindleworks on this important anniversary;

(HLS 1178)

Presented by Representative WEBSTER of Freeport. Cosponsored by Representative GERZOFKY of Brunswick, Representative PRIEST of Brunswick, Representative GROSE of Woolwich, President EDMONDS of Cumberland.

On **OBJECTION** of Representative WEBSTER of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In deference to the tremendous amount of work we have, I will be very brief and say that it is simply a pleasure for me to have the representatives of Spindleworks visiting us today, and for the Special Sentiment Calendar to honor their 30th Anniversary. Thank you, Mr. Speaker.

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

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass pursuant to Resolve 2007, chapter 110 - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)

(H.P. 1659) (L.D. 2301)

TABLED - April 4, 2008 (Till Later Today) by Representative PERRY of Calais.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **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**.

Representative PERRY of Calais **PRESENTED House Amendment "A" (H-960)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-960)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats (EMERGENCY)

(H.P. 1422) (L.D. 2038)

(C. "A" H-741)

TABLED - April 4, 2008 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative GERZOFKY of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill 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-741)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-947)** to **Committee Amendment "A" (H-741)** which was **READ** by the Clerk and **ADOPTED**.

Representative MAZUREK of Rockland **PRESENTED House Amendment "C" (H-954)** to **Committee Amendment "A" (H-741)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, **Committee Amendment "A" (H-741)** as **Amended by House Amendments "B" (H-947)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-741) as Amended by House Amendments "A" (H-947) and House Amendment "C" (H-954)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

JOINT RESOLUTION RECOGNIZING MAINE ATTORNEYS SAVING HOMES

(H.P. 1664)

TABLED - April 7, 2008 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - ADOPTION.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Expression of Legislative Sentiment in Memory of Ruth Pullen, 98, of Camden, women's advocate and civic leader

(HLS 1170)

TABLED - April 7, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-930) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Ensure That Children's Toys and Products Are Free of Lead"

(H.P. 1437) (L.D. 2053)

TABLED - April 7, 2008 (Till Later Today) by Representative MILLER of Somerville.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-930)** was **READ** by the Clerk.

Representative CONOVER of Oakland **PRESENTED House Amendment "A" (H-955)** to **Committee Amendment "A" (H-930)**, which was **READ** by the Clerk.

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. This is very minor technical amendment to a Unanimous Report to clarify the electronics exemption language. It was encouraged by all stakeholders, and has the pre-blessing from committee members on both sides of the aisle and other body. Thank you

House Amendment "A" (H-955) to **Committee Amendment "A" (H-930)** was **ADOPTED**.

Committee Amendment "A" (H-930) as **Amended by House Amendment "A" (H-955)** 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" (H-930) as Amended by House Amendment "A" (H-955)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Expression of Legislative Sentiment recognizing Dielectric Communications, of Raymond.

(HLS 1174)

Which was **TABLED** by Representative ROBINSON of Raymond pending **PASSAGE**.

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. It is not often this body gets to have an Emmy Award brought in, and I appreciate the Speaker giving us a little leeway on sentiments because I wanted to recognize Dielectric Corporation, of Raymond, for winning an Emmy for their Technology and Engineering Award at the National Academy of Television Arts and Sciences, and that is a mouthful, but it is not often in Maine we get to have an Emmy Award, let alone a company in Maine receive the Emmy Award. So I wanted to take a moment to recognize them and to see the Emmy, they have it with them today. But Raymond and our region, the Lake Region, is very proud of Dielectric, and the state should be proud of Dielectric. They are truly an economic jewel sitting in the Lake Region. They have a little over 200 employees; they are a world leader in broadband technology and mobile media—radio, TV—and I know I am very proud to have them in my district, and I think we should all be proud of them for this award, and I just wanted to congratulate them and bring it to our attention. Thank you, Mr. Speaker.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-940) - Minority (6) Ought Not to Pass - Committee on JUDICIARY on Bill "An Act To Protect Consumers' Gift Card Interests"

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

TABLED - April 7, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - Motion of same Representative 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-940)** 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-940)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Refer to the Committee on Criminal Justice and Public Safety

Pursuant to Joint Order

Report of the **Joint Standing Committee on Criminal Justice and Public Safety** on Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities (EMERGENCY)

(S.P. 923) (L.D. 2312)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to Joint Order, S.P. 890.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(S.P. 802) (L.D. 2008) Bill "An Act To Provide Ongoing Funding for the Historic Preservation Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-573)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-938)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-939)** - Committee on **LEGAL AND VETERANS AFFAIRS** on

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

(H.P. 1585) (L.D. 2219)

Which was **TABLED** by Representative PATRICK of Rumford 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-938)** 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**.

Representative FAIRCLOTH of Bangor **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 343

YEA - Adams, Babbidge, Barstow, Beaudette, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Grose, Hanley S, Harlow, Haskell, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Moore, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Carter, Cleary, Emery, Gerzofsky, Greeley, Hayes, Hill, Jones, Norton, Pineau, Pinkham, Pratt, Rector, Saviello, Tardy, Tibbetts, Vaughan.

Yes, 82; No, 51; Absent, 18; Excused, 0.

82 having voted in the affirmative and 51 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-938)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (6) **Ought to Pass as Amended by Committee Amendment "C" (H-908)** - Minority (5) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

(H.P. 115) (L.D. 123)

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

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

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 particular bill is troublesome to me. Apparently, we want to have a Legislature support the endorsement of a chancellor for the creation of labor centers within the University of Maine System. Interestingly enough, I called the Chancellor's office recently just to ask about this, if what I heard was an endorsement, it was a pretty lukewarm endorsement. What I did hear, however, is the concern about having this bill before us. I asked the representative from the Chancellor's Office how do you make curriculum changes in the University of Maine, how do you add a program, how do you make curriculum changes, and I did find out that there is a formal process, a very specific process. In fact, I have in my possession, Academic Program Approval Policy Section 305.1. It is a formal process, as it should be; it is a multi-step process involving all of the stakeholders, as it should be. It usually begins with a recommendation from a faculty member, or faculty members; they must complete an Intent to Plan form. The recommendation is then reviewed by the Department Dean. The third step is it must be approved by the Campus President. It is then referred to the Vice Chancellor for Academic Affairs. The Academic Affairs Committee then reviews the proposal; the Chancellor reviews it; and lastly, in a seven-step process, it is sent to the Board of Trustees for final approval. As they go through this, they are looking for some specific things such as: consideration is given to the need for the program, does it duplicate—does it duplicate—another program, are there adequate resources, is there interest, what is the mode of delivery, and potential catchment area from which the students will be drawn.

This labor center proposal was indeed recommended by some faculty members. Step one, in a multi-step, seven-step at least process, step one successfully completed, but that is where the process starts. It has not gone through the formal process, multi-step process, it came directly to us to endorse and support the endorsement. Quite frankly, I think the process of curriculum change, which is critical in a university or educational institution, has been violated. It really begs the question if this Legislature should substitute our support or our interest or our recommendations for that of the Department, the Dean, the Campus President, the Academic Affairs Committee, the Chancellor, and the Board of Trustees. The Chancellor really has not given this an opportunity to go through this process. One would also have to ask the question and wonder if we should be supporting the addition of a program, when programs, courses, and jobs—30+ jobs at the University of Southern Maine—are being eliminated due to budget problems. Where did this recommendation come from? Is there a need, special interest group; how was such a need determined; has there been a survey of students; how many people requested a labor center program. But interestingly enough, at the University of Southern Maine and where I think this is headed, keep these facts in mind: Currently, a labor studies program is offered at the University of Southern Maine. You can get a minor in labor studies and graduate with that minor. Labor studies courses, such as economics, business and political science, are all currently available at USM. Let me read you some of the titles of the courses available at USM: United States Economic History;

Economics of Women and Work; United States Labor and Employment Relations; Gender Work and Space; Economic Geography; Labor, Literature and the Arts; Social Movements, and there are more.

Recently, I found out that USM students did a wonderful research project on Frances Perkins. Frances Perkins, I am sure you all remember, was the very first woman Secretary of Labor. In fact, she was the very first woman to serve in any Cabinet position. She served for 12 years in the administration of Franklin D. Roosevelt. USM also offers a program entitled History Trails: Tours in Portland Maine. One of them is a labor history trail. An independent studies program is available at USM. Such an independent studies program allows a student who wants to pursue a topic, not often in the university's curriculum, to request a faculty member to supervise their independent study for credit.

Ladies and Gentlemen of the House, I am not going to support this, and I we should we really be supporting a program that, first of all, creates a duplication of existing programs, course and so forth at USM. It adds a program, when jobs are being cut, programs are being cut, possibly tuition is going to be increased. It adds a program which has not gone through this formal process, very critical, necessary review process. I believe it takes away some of the responsibility from the Department, the Dean, the Campus President, the Academic Affairs Committee, the Chancellor and even the Board of Trustees, a very important responsibility. Lastly, it sets a dangerous precedent for us to be recommending things that haven't been through this formal process, a dangerous precedent for the future. I do not think this Legislature should be meddling in the very core of the existence of a very fine academic institution, and I hope we oppose this bill. Thank you.

Representative KOFFMAN of Bar Harbor assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me say, first, that on a broad policy level, I agree with pretty much everything the previous speaker has said. I believe that it is not appropriate for the Legislature to create academic programs, or to tell the University System or the Community College System or any other institution of higher education what they must or must not teach. I don't think that is our job, and, quite frankly, I don't think we are very qualified to do it. However, I do want you to know that I am going to be supporting this motion, because even though I know I am not supposed to talk about it, there is an amendment coming with a filing number of (H-964), which I will not speak about anymore, that I believe I can be very supportive of; therefore, I would like to put this bill in the posture of being amended. So that is the only reason why I will be supporting this motion, because I believe a lot of hard work has been done to get to the core of what this bill was originally intended to do, which is to support labor education in Maine.

There is a lot of labor education going on right now, as the previous speaker pointed out, and I am very proud of that. It happens on the campus in my district, it happens on campuses all over the state and all over this country. Probably, we could even do a better job of including more of a history of working people in our K-12 education as well. So I am going to support this motion, and I would ask that you all do it as well, as a

procedural way to get us to an amendment that, again, gets to what this bill was really about in this first place, which is about that labor education does have a valuable place in all of our institutions of education in the state, and that is why I will be supporting it. Thank you, 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. I, also, would like to concur with the good Representative from Harrison. He is absolutely right: this bill comes by way of a special interest. I support that special interest, as I do this bill, because the special interest is the vast majority of people of the State of Maine who work for a living and their history and their education is important to us, and I do not perceive that as being very dangerous. Thank you.

Representative SYKES of Harrison **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 PRO TEM: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, do not disagree with the gentleman from Harrison. I have had some issues with this piece of legislation since last year, not with the concept, but rather with the academic accountability that all our institutions of higher ed in the State of Maine support and endorse and must have. My issue was with the process. There are classes in labor education, the history of labor, I suspect being taught in all of the university campuses, I suspect in most of the community college campuses. I am going to vote for this bill because I want to get to the posture of being able to introduce an amendment, which you have on your desk, and I know, oops, we are not supposed to speak about that so forget that part. Just look the paperwork over on your desk. Thank you very much, Mr. Speaker.

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

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

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have one question, and it is it says this is going to be an education center. Can someone tell me what a center consists of? Thank you.

The SPEAKER PRO TEM: The Representative from Falmouth, Representative Savage has posed a question through the Chair to anyone who may care to respond.

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. 344

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Harlow, Haskell, Hinck, Jackson, Kaenrath, Koffman, Lundeen, Makas, Marley, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Priest, Rand, Richardson D, Rines, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward,

Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berube, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pieh, Pilon, Plummer, Prescott, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Schatz, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Cleary, Emery, Greeley, Hayes, Hill, Jones, Muse, Pineau, Pinkham, Pratt, Rector, Saviello, Tibbetts.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "C" (H-908)** was **READ** by the Clerk.

Representative SUTHERLAND of Chapman **PRESENTED House Amendment "B" (H-964) to Committee Amendment "C" (H-908)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have before you House Amendment "C." One sentence, as I spoke briefly before: We have wonderful departments throughout our higher ed institutions around the state, who do include courses—not programs, I am not talking programs, I am just talking courses—that they offer already, and I would like us as a Legislature because we do have a strong history with the labor movement in this state.

Many of those industries that we still depend on today are strong and healthy because of that background, and it is important for students who are going to college in Maine to be able to access those courses. This resolve would encourage all our institutions of higher education in the State of Maine to offer courses in labor history, labor studies, whatever the course may be. It does not tell them how many or that they must, it is an encouragement. There is a fine department at the University of Southern Maine and a fine department at the University in Orono. It just encourages us to keep on doing what they are, and particularly if the community colleges are interested and don't already, it may encourage an instructor to offer a course in the next year or two. It simply offers some support for the courses that many of our courses are already presenting. Thank you, Mr. Speaker.

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

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just offer that Representative Sykes' comments that were made earlier, in the presentation on this matter, are equally potent to the very benign amendment that has already been offered by the Representative over here. The benign amendment that she offers is still subject to the same comments that Representative Sykes has made. The Trustees have a procedure in place for examining these matters, and intruding in them in this way—there are many instances, I guess you know, when I am all in favor of intruding in the business of the Trustees, but this is not one of them. Nonetheless, the arguments of Representative Sykes are equally opposed regarding this amendment, so I am going to be voting against it for those reasons and in support of his, and also in

anticipation of further amendments that I would also not talk about. Thank you.

House Amendment "B" (H-964) to Committee Amendment "C" (H-908) was ADOPTED.

On motion of Representative SYKES of Harrison, the House **RECONSIDERED ADOPTION** of **House Amendment "B" (H-964) to Committee Amendment "C" (H-908).**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative SYKES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My objections remain the same. All this amendment does is now say we are going to recommend the inclusion of labor education courses, not a program—courses, not a program—at the Maine public institutions of higher education. Well I happen to also have in my possession a New Course Proposal Modification Elimination form for undergraduate courses, an excellent process to go through. The same thing applies, Ladies and Gentlemen. This Legislature should not be recommending to that university, there is a long, well thought out, properly used policy to add a program or to add a course. I hope we will oppose this amendment. Thank you.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-964) to Committee Amendment "C" (H-908).**

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-964) to Committee Amendment "C" (H-908). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 345

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Harlow, Haskell, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, Makas, Marley, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Priest, Rand, Rines, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berube, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pieh, Pilon, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Schatz, Silsby, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Cleary, Emery, Gerzofsky, Greeley, Hayes, Hill, Jones, Muse, Pineau, Pinkham, Pratt, Rector, Saviello, Tibbetts.

Yes, 71; No, 66; Absent, 14; Excused, 0.

71 having voted in the affirmative and 66 voted in the negative, with 14 being absent, and accordingly **House Amendment "B" (H-964) to Committee Amendment "C" (H-908) was ADOPTED.**

Committee Amendment "C" (H-908) as Amended by House Amendment "B" (H-964) thereto was ADOPTED.

On motion of Representative MOORE of Standish, the House **RECONSIDERED ADOPTION** of **Committee Amendment "C" (H-908) as Amended by House Amendment "B" (H-964) thereto.**

The same Representative **PRESENTED House Amendment "A" (H-926) to Committee Amendment "C" (H-908),** which was **READ** by the Clerk.

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

Representative CAIN: Thank you, Mr. Speaker. Point of Order.

The SPEAKER PRO TEM: The Representative may state her Point of Order.

Representative CAIN: Thank you, Mr. Speaker. I am just not clear as to whether this amendment is still germane because we have now amended the bill already with a House amendment.

Representative CAIN of Orono asked the Chair to **RULE** if **House Amendment "A" (H-926) to Committee Amendment "C" (H-908)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker Pro Tem pending a **RULING OF THE CHAIR.**

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory

(H.P. 1583) (L.D. 2217)

Signed:

Senator:

NASS of York

Representatives:

RAND of Portland

GOULD of South Berwick

WATSON of Bath

CHASE of Wells

PILON of Saco

LANSLEY of Sabattus

WOODBURY of Yarmouth

CLARK of Millinocket

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-946)** on same Resolve.

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

PIOTTI of Unity

KNIGHT of Livermore Falls

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative CARTER of Bethel **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am the sponsor of this bill, and I would like the current motion to be defeated so that we can pass the Minority Report and sent it forth. I presented it to the Taxation Committee and they chose not to support it. One of their biggest reasons they said that they did not want to support it, it would establish a precedent, which I guess it would because I am not a historian, I don't know if anything like this has been done before. There are extreme extenuating circumstances, and I would say that this is a good precedent to set.

I have here a deed from the mother, where she lent the son \$7,000 in April 2004. It was January 2004, when the son went into deep depression and stopped paying his taxes. Unfortunately, she did not follow up and pay his taxes. In March 2006, the property was foreclosed on; in April the son committed suicide. The family went into deep grief and did not have the state probate until early about this time last year, and by that time, it was after the foreclosure, and the foreclosure had gone far enough and they had not been able to reach the family, even though the certified letters came back. When they got to South Paris, to the Registrar of Probate, the property had been put up for sale; therefore, it was too late for them to pay their back taxes and get the property back. So I think under these circumstances we should get this relief, which is perfectly legal because I checked and this was the only way I could help these people and, therefore, I would ask you to vote no, nay, on the current motion, and let the Minority Report pass. Thank you very much.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Your position on committees is you have been forced to make many tough choices; this was a tough choice. There are two parcels here involved, not just one. There was a death in a family and, in both incidences, people owning property from out of state, owning property here in Maine. They received their mail notice, the tax bills; the taxes were not paid, the taxes were not particularly high. The matter went into foreclosure. The Department went through all the steps necessary to try to notify people. People were in fact notified in time to redeem, redemption wasn't made, a sale was made. Opportunity to buy on the sale, that wasn't done. Too many people fell asleep at too many switches, and now they come to the state, to the Taxation Committee, to you, asking for relief, and not just to be able to repurchase the property back but the price it was last sold for, but they would purchase the property back at a discount, just the taxes that were owed, mind you.

These were very sympathetic people. They understood what they were asking for. They understood our problems with it on Taxation, I think, and I commend a good Representative for bringing this, that is out job, but also our job is often times to make tough decisions and this was a tough one. I encourage your support the Ought Not to Pass Report. There is simply no reason to go back and redo what was properly done in an attempt to save some people some money.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have no knowledge of the circumstances around this, and I have no doubt

that it was probably done one hundred percent legally. I think that setting this precedent, that anytime something bad happens to a family that we can bend or reshape the law to help them get what was rightfully theirs back, I think I will support that.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of not supporting the pending motion. I think the purpose of a bureaucracy is to serve the people, not the people serve the bureaucracy. Thank you very much.

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

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was tough to listen to the testimony on this. There are plenty of times when there are extremely sad stories to listen to. In this particular case, however, Maine tax law is pretty solid; if we bend the law whenever it feels good than people will simply not pay their taxes. The tax laws are in place and they are enforced in place, and there is a long series—a long series—of contacts from the unorganized territories, or even municipalities that foreclose on properties, to people to try to get in touch with them. We feel badly for the families, but it was four years in the making before it actually got resold. If we were to follow through and let these people have their property back, it would not give the state or the municipalities or the towns the leverage to enforce taxes. The laws are in place for a reason, and I strongly urge you to support the Majority Ought Not to Pass.

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

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

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to know who has possession of these pieces of property now. It would appear from this that it is the state which is holding the property, but I would like to have that clarified.

The **SPEAKER**: The Representative from Portland, Representative Haskell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you, Mr. Speaker. Yes, the property is now in the possession of the state through the process of foreclosure.

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. There are indeed two separate situations here. I have a family who purchased or bid on the property that was foreclosed on in Madrid. They bid \$31,000, which was the high bid, and they were granted the bid; however, it was contingent on this bill, so we have two very, very separate situations here. In the previous situation, indeed, it was a son who did commit suicide. The family did bid on the land and that family also has the high bid, so regardless of how this comes out, the family will indeed still own that piece of property. But my family, who happens to reside in Skowhegan, also bid in good faith and hoped very much to have that piece of property, and the two situations were very, very different, and to set a precedent, I think, would not be good for us to do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I happen to understand a little bit more about the Madrid situation. If I understand correctly, the gentleman is not too dissimilar from the tragic situation in that Representative Carter described regarding the other parcel. In this case, a man and a woman bought a piece of property together, it was put in her name. They married a year or so later, and she passed away, unexpectedly of course, and it was probably still in her name. The tax bills had gone to a different address for some reason. The gentleman, in his grief, was never made aware of the tax bills, and the taxes were only a couple thousand dollars, and the gentlewoman from Skowhegan has informed us that the property has been resold at auction for \$31,000, contingent on this bill not passing, I guess. This gentleman very, very much has a deep sentimental attachment to this property. He very much wants to recoup the property. He was not, apparently, made aware of the foreclosure process until too late in the game, as I understand it. I do not think this should be a common practice of the Legislature, but I do think that these two unique and very tragic situations call for special action in our case and some flexibility and some mercy on the part of this body, so I urge you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In a point of clarification, it was not four years. It was four years from when the taxes first started going into arrears. It was a period of a year to two years when the people found out when they were foreclosing on it. The people did not get any tax notices because the tax notices and the notices of foreclosure were going to the deceased son's address and coming back. This does not in any way impair the state's ability to enforce tax laws. This is a very extreme, unusual, unfortunate set of circumstances, and there is a difference between the Majority and the Minority Reports. In the Minority Report, the property in Madrid is not addressed; it is only the property in Albany that is going to be allowed to be returned to the people for their taxes. The son originally paid \$17,000 for the property. I do not think it is fair to ask these people to pay another \$7,000 to get this property back.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. These were difficult stories that were explained to the Taxation Committee. They did not hold up well to questioning. There were attorneys involved at some point. The estates were, in fact, probated. If you are married to someone and you bought a piece of property at some point in your life and the property went into the wife's name, and she died, and you probate the estate. I'm sorry, these are just things that people deal with, and the state marched right along, the laws march right along, the notices were sent, the foreclosure was done, the ability to redeem, and now these people want to come back and buy, not this property at the auction price, but the property for the taxes owed. Too much time has passed; too many letters have crossed in the mail. This was an unfortunate situation, but the committee spent a long time thinking about this and discussing it, and, again, I encourage you to follow the Majority Ought Not to Pass Report and put all of it behind us.

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

ROLL CALL NO. 346

YEA - Annis, Austin, Barstow, Beaudoin, Beaulieu, Berube, Blanchette, Bliss, Boland, Browne W, Campbell, Carey, Chase, Cotta, Crosthwaite, Curtis, Duchesne, Dunn, Duprey, Edgcomb, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Hamper, Hanley S, Hinck, Jacobsen, Johnson, Jones, Kaenrath, Koffman, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Norton, Pendleton, Peoples, Perry, Pilon, Plummer, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Schatz, Silsby, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Treat, Trinward, Walker, Watson, Weaver, Woodbury.

NAY - Adams, Ayotte, Babbidge, Beaudette, Berry, Blanchard, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carter, Casavant, Cebra, Clark, Connor, Conover, Craven, Cray, Crockett, Dill, Driscoll, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Grose, Harlow, Haskell, Hogan, Jackson, Joy, Knight, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, Miller, Mills, Miramant, Patrick, Percy, Pieh, Pingree, Piotti, Savage, Simpson, Sirois, Sutherland, Theriault, Thomas, Tuttle, Valentino, Vaughan, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Cleary, Emery, Greeley, Hayes, Hill, Muse, Pineau, Pinkham, Pratt, Rector, Saviello, Tibbetts.

Yes, 75; No, 64; Absent, 12; Excused, 0.

75 having voted in the affirmative and 64 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-523)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-524)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase Public Confidence in Government by Expanding Public Disclosure"

(S.P. 838) (L.D. 2178)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)**.

TABLED - April 1, 2008 (Till Later Today) by Representative **PATRICK** of Rumford.

PENDING - Motion of same Representative 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" (S-523)** was **READ** by the Clerk.

Representative **PATRICK** of Rumford **PRESENTED** **House Amendment "B" (H-918)** to **Committee Amendment "A" (S-523)**, which was **READ** by the Clerk.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The House Amendment "B" is just a slight technical change to the bill. It exempts out the Secretary of State and inserts the Commission on Governmental Ethics and Election Practices in the bill, to where the report will go.

This bill came to the Legal and Veterans Affairs Committee as an issue from the center of public integrity and other arenas that rated the State of Maine as an F in public disclosure and transparency. They had a Pareto chart of issues that we either did or didn't do, and we failed miserably. From that standpoint, 12 members of the Committee came together and accepted Committee Amendment "A" and the lone dissenter actually accepted the same Committee Amendment, minus one minute change. This bill expands existing financial disclosure requirements for legislators and executive employees, and creates entirely new disclosure requirements for legislators and executive employees pertaining to real property and investments. Executive employees are the Governor, the constitutional officers in policy-affluent positions in the Executive Branch, like the Commissioner's Deputies. It makes all financial disclosures accessible to the public over the Internet. It provides that the Commission on Governmental Ethics and Election Practices is responsible for receiving and posting these disclosure forms, even from the executive employees who currently provide their disclosure forms to the Secretary of State, and that is what the minor change was going to fix.

As amended, LD 2178 expands existing reporting requirements. When legislators and executive employees disclose sources of income and those of their immediate family, it also requires a listing of job titles or positions that generated that income. It clarifies that the names of dependent children are not required on this disclosure form, just income sources over \$1,000.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite and asks why he rises at this time.

Representative CROSTHWAITE: Thank you, Mr. Speaker. I would like to ask if this is germane to the amendment that is before us. Thank you.

Representative CROSTHWAITE of Ellsworth asked the chair to **RULE if House Amendment "B" (H-918)** was GERMAINE to the Amendment.

The SPEAKER: The Chair would respond in the affirmative to the Representative from Ellsworth, Representative Crosthwaite. At this time, what is before the body is simply House Amendment "B." It is an amendment that does two items of striking out, and would only be connected to those particular strikeouts and changes.

Subsequently, the Chair **RULED** that **House Amendment "B" (H-918)** was **GERMANE** to **Committee Amendment "A" (S-523)**.

Subsequently, **House Amendment "B" (H-918)** to **Committee Amendment "A" (S-523)** was **ADOPTED**.

Representative FITTS of Pittsfield **PRESENTED House Amendment "E" (H-959)** to **Committee Amendment "A" (S-523)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was submitted in response to a national organization who rated Maine an F for our disclosure laws. The bad grade included an assortment of issues that were felt we could do better on. The Legal and Veterans Affairs Committee worked on this bill at length to find a way to create a compromise of sorts. In the process, the bill was reconsidered several times, and I can safely say that I voted against this before I voted for it. I think, however, I suffered sort of a case of Stockholm syndrome in the process.

I feel the Legislature should take as much interest in how we fair in other ratings as it appears we are taking in this rather

myopic view. This bill, as presented, includes provisions which require a significant, and in my mind, intrusive requirement for disclosure of financial and personal information about both legislators and executive staff. This information would not reinforce any review of ethical behaviors by a legislator, but instead would open levels of opportunity for discriminatory and in simple terms "nosiness" into what are personal and private issues.

I present this amendment as a way to correct the failings of the bill by eliminating the requirements for disclosure of personal financial information on income levels, real estate holdings, and investments for both legislators and executive staff. This amendment includes the technical changes previously adopted in House Amendment "B," so that we haven't lost those changes if we adopt this amendment. I would hope that we can agree to adopt this amendment and allow the remaining portions of the bill to go forward, which I do feel are appropriate. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To anyone who can answer, how many states are doing this kind of income investment and real estate reporting? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Somerville, Representative Miller has posed a question through the Chair to anyone who may care to respond. Seeing none.

House Amendment "E" (H-959) to Committee Amendment "A" (S-523) was **ADOPTED**.

On motion of Representative PATRICK of Rumford, the House **RECONSIDERED** its action whereby **House Amendment "B" (H-918)** to **Committee Amendment "A" (S-523)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "B" (H-918)** to **Committee Amendment "A" (S-523)** was **INDEFINITELY POSTPONED**.

Representative GILES of Belfast **PRESENTED House Amendment "D" (H-945)** to **Committee Amendment "A" (S-523)**, which was **READ** by the Clerk.

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

Representative GILES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the work of the Legal and Veterans Affairs Committee on this issue, in terms of trying to put more disclosure of public officials, such as ourselves, out for the public to view. What I rise in concern about though is one of the methods that is included in this bill, and that would be that all of the disclosure forms that we complete or future legislators complete, and executive employees, including the Governor, would be made available over the Internet.

The reason I rise for this is not in terms of trying to shield or protect or not fully disclose this information, but mine is one of security, mine in one of identity theft potential. The Internet is a tremendous tool, as we know. It makes information easier to view, easier to see and more quickly, but the major concern is we are trying to put information out for Maine voters to see and for Maine voters to understand. The minute you put it on the internet, it is viewable by the world, it is not just Maine people. A number of people may be comfortable with this; I am not. I deal in the financial world, I know identity theft is a very, very serious area, and I am aware of many scams and things. We put some

biographical information on the internet, I think that is comfortable, but to put anything further, even with the amendment that passed that would probably limit this somewhat, to put the kind of information that discloses potentially where you have assets, what income sources, where it may come from, I think potentially puts a roadmap out there for people to take advantage of.

I use this as an example, it is not apples to apples here, but it is one to make you think about: Recently with Hannaford and the security breach we had there with credit cards, this is not putting credit card information out there, but the Hannaford situation was not supposed to happen. The kind of security they have, the kind of security that is there, people were to be protected, and I am just really concerned, again, for this body, for future legislators, that by placing this information on the Internet is not appropriate, and I feel there are other ways if people want this kind of information, they can request it through Ethics and it would be made available to them, so I do encourage inclusion of this amendment.

Representative PATRICK of Rumford moved that **House Amendment "D" (H-945) to Committee Amendment "A" (S-523) be INDEFINITELY POSTPONED.**

Representative GILES of Belfast **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-945) to Committee Amendment "A" (S-523).**

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 North Haven, Representative Pingree.

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

The SPEAKER: The Representative may pose her question.

Representative **PINGREE**: Thank you, Mr. Speaker. I am hoping that Representative Fitts would consider re-explaining to the body the purpose of this amendment, because when I was listening, the good Representative from Belfast and some of the issues she was worried about disclosing on the internet, I believe that the good Representative Fitts actually stripped out many of those disclosure elements already. So I just want people to be clear what the posture of this bill is at this point.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-945) to Committee Amendment "A" (S-523).. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 347

YEA - Adams, Babbidge, Barstow, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Connor, Conover, Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gerzofsky, Hanley S, Harlow, Haskell, Hinck, Hogan, Jackson, Johnson, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Browne W, Cebra, Chase, Cray, Crosthwaite, Curtis, Duprey, Edgcomb, Finley, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Jacobsen, Jones, Joy, Lansley, Lewin, Makas, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Percy, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Valentino, Vaughan, Walker,

Watson, Weaver, Woodbury.

ABSENT - Beaudette, Blanchette, Cleary, Emery, Greeley, Hayes, Hill, Moore, Muse, Pineau, Pinkham, Pratt, Rector, Saviello, Tibbetts.

Yes, 79; No, 57; Absent, 15; Excused, 0.

79 having voted in the affirmative and 57 voted in the negative, with 15 being absent, and accordingly **House Amendment "D" (H-945) to Committee Amendment "A" (S-523) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (S-523) as Amended by House Amendment "E" (H-959) 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.**

Representative PATRICK of Rumford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED.**

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 Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am in opposition to Passage to be Engrossed, because I am in opposition to the good Representative from Pittsfield's amendment, and what I did not get a chance to express was that the committee had probably five, six or seven work sessions on this issue, where we looked at expanding the transparency and disclosure for both legislators and Executive Branch constitutional officer, the Governor and those. What we actually looked at, it is amazing how a 12-1 Report, which is technically a Unanimous Report where we all agreed to set these real property investment standards, would now be totally bogus. Just Monday, I was at the dentist's office, and in talking with my dentist and hygienist, he was asking where the bill was, and one of the things that he did say was, he says, I do believe you guys are straightforward and honest people, but he says, I always wonder how you guys come up with your votes on bills. He says, and anytime you can add any transparency in any disclosure is good. He says, I don't know if you guys have 5,000 shares of CMP or any stock, and when you vote on a utility bill, whether that has any effect. If I had that information, I probably would utilize it in a manner that if you voted the way I thought you were voting because you have an awful lot of financial interest on your own, I probably would not support you. I probably would not support anyone, whether it is a congressman, the President or anyone, and this I looking from us legislators.

I have no problem with this issue, and I am probably one of the ones in the committee that may have more assets than others, and I know that if this bill went through, I could finally prove to my coworkers that I only have one-third the value of my total assets that they think I have. They think I have an awful lot more than I do, and I could finally prove to them and I have no problem with that. We didn't narrow the focus on the real property and the investments so close that, every single stock you had to have. We kind of made it a little bit broader so you could wait until you had \$10,000 worth of value. I don't think people in the low, lower middle income, or the middle income people are probably even going to complain about this, otherwise than maybe some of things that we heard in committee and from some of the committee members was, well, gee, they might know how little they do have. Then there are others who might say, gee, they might know how much I do have.

We had said what business is it of anyone how much we have financially and stuff. Well, I do think this is an issue that the public has an awful good right to have. I mean, there have been

times myself, sitting in this Legislature, wondering why someone voted the way they did, and I went and actually checked are they a traditional candidate, or are they a Maine Clean Election candidate, have they been lobbied hard? Did they have investments in sand and gravel, did they have investments in other issues and stuff, and I wonder myself why do we take some of the stands that we do. Well, I am not scared to show people what I have. I am actually proud to say my wife and I have done fairly well over the years and stuff, and I do not think she would be happy to disclose it as easy as I am, but I am in the public eye. This is a public policy issue that we had to look into the mirror and 12 of us said, yes, we are willing to do this; yet now, we are taking a step back with saying, oh no that was a bad thing that we did. Well, when I sat through that committee and worked with my committee members, we hashed these issues out bitterly. At times, it was 7-6, it was unanimous, it would go back and forth, and finally we came together, and the only difference is that one of the Representatives said, I think the bands of income of disclosure that we are asking for was too broad. The difference was instead of \$10,000 to \$100,000, he wanted \$10,000 to \$50,000. He wanted to have a narrow band so it would capture more things, and I think in fairness, I actually agreed with him, but to try to get a Unanimous Report, I believed in doing this. So I know that some of you have done a lot better than I have and I am proud of you, I am extremely pleased, but I do know there are citizens out there, there are constituents out there of ours that don't care one way or the other, but there are a lot of them that do care.

With the straight face test, I can actually say I am in favor of what the committee did, I am proud of what we did because we took upon ourselves an issue that was extremely hard, and the only thing that I ever wrote down for my disclosure is I get all of my income from NewPage Corporation. I don't care, people know I work at NewPage. It doesn't say how well I have done, it doesn't say how many stocks or bonds or how huge of a 401k or an IRA I have, and does that really make a big difference? It doesn't to me, but does it to the voters? Should it be something that is important to the voters? Well, I have had enough of them say to me that they thought it was important, and I have read enough articles in the newspapers that they are saying there should be more accountability, there should be more transparency and there should be more disclosure, even though we are a citizen legislator. All can do is ask you to vote Ought Not to Pass, and we will strip off that and vote on the real thing. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

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

The SPEAKER: The Representative may pose her question.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A question to whoever can answer it: The current status of the bill with the amendment that was passed, I need a quick summary as to what actually is covered at this time. I believe real estate and investments have been pulled out, so currently, the debate is the bill, with the Fitts' Amendment as we'll call it, and just need a quick summary. I believe in looking it over that I understand that, but would like to confirm that with someone who knows, probably from the committee. Thank you.

The SPEAKER: The Representative from Monmouth, Representative Smith has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe the Representative from Monmouth is correct that the posture that this bill is in, with the amendment that I offered, strips out the disclosure of personal financial information, sources of income, real estate holdings and investments, and leaves the remaining portions of the bill which include: directorships, trusteeships, those kinds of things. So today, if we were to have to fill out a disclosure form, as we do annually, the only addition that would be different from what you have done previously is a section where you would probably wind up having to check off if you have any holdings or directorships or trusteeships, whether paid or unpaid, and list those. The rest of the bill has nothing about financial information other than what you presently do.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am actually not sure, I am being very torn now. I hear from the good Representative from Rumford saying vote Ought Not to Pass and we can strip it off and do something else. I actually am opposed to the bill and in its entirety, so I am now faced with do I vote with the Passage to be Engrossed because the good Representative from Pittsfield, I do like his amendment, and I certainly don't want to go back to what was presently before us. So I guess at this time, I would have to think that I would probably vote for the Passage to be Engrossed, because the alternative, to me, is a lot worse. I think that the amendment, as it was done by the good Representative from Pittsfield, probably at least puts it in a posture that we can vote on it, send it out, but I would not want to go back to strip off this amendment on it.

My concern about the entire bill and why I was opposed to it to begin with is I just feel this is a lot of private information to be put out on the Internet. We are all public servants, we run campaigns, our voters know about us. They know where we live, they know probably where we work, they know a lot about us, and I find it very intrusive to put all of this information out there on the internet in this day and age where people can use that information, whether it is for identity theft or for their own personal gain, I didn't want to know who might have a stockbroker, who may have 401ks, what investments my daughter has. She is 21 years old, she is an independent person, but where she is still living at home, in college, she would have had to disclose all of this stuff, and I don't think that is fair to somebody who is independent, that because I am in politics, she is on. That is why I probably have to go with the Passage, but then I would want to caution people also. What you are saying is you are taking private information and making it public—very private information, I think—that I honestly don't see has a lot to do with it. We have to disclose a lot of our interests; we know where each other works. What is the next step going to be, though, as far as information and I mentioned this to people: We have a lot of information that is public right now and, as another Representative told me, this information is public and it is scattered across many different agencies. If we really want public disclosure, because this bill talks about public disclosure, not financial disclosure, then why don't we make it easier next session or this session to put on and say, let's get all of that public information and put it together in one source and let the public know, because I want to know if my seatmate has a restraining order against them, I want to know if the person in front of me has an OUI, I want to know if the person across has a criminal background, I want to know how many people have filed bankruptcy or foreclosure or have pending lawsuits against us. Why don't we do that? Why don't we make it easier to do that,

and then after we pass that bill and they know all of our finances and know all of our criminal records, then we can come back and we can pass another bill to get our medical records, because I want to know who is schizophrenic and I want to know who is on medicine in here and who may get violent. Let's just tell everybody everything about us, because we are public servants and should be perfect, and we should have been perfect people living in a perfect world, and I think we have a citizen Legislature here and we are made up of 151 different people, and we bring with us our experiences, and if that experience is our son or daughter got caught with an OUI, or a family member went through bankruptcy, or somebody has a lot of money or somebody is divorced, then that is what we bring and I do not think we need to have that all washed out, and, to me, this is the first step to many different steps, and I think that is what our campaigns are about and that is what our election is about, and that is what the people need to know and find out before they vote for us for office. I am not hiding anything, and I think the reason I can stand up here today is because I really do feel like I am living in a glass house. I could put my financial information out there and there is absolutely, positively nothing that would embarrass me. I can put my criminal record and driving record, I have never had an OUI, go ahead, let's put it in there. Let's put it all out there. Throw as many stones as you want, I am not trying to hide anything, but I am saying it is not necessary. Thank you.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is hard to follow that level of passion, so I will simply say that I think that this bill is in a different posture than it was before. There were a number of people in the House who would have liked to have had some discussion of amendments that had been put on, that were suddenly attached via vote of all of us, and we are now voting on a bill that for some of us no longer provides the level of disclosure that we would like to see. Clearly, there are differences of opinion here in the House, but I will be voting against the pending motion because it no longer, to me, provides the level of detail that I think is meaningful. If we are going to pass a piece of legislation at all, there is a certain minimum amount of information, I think, that needs to be in it for it to mean anything, and I do believe that that minimum has been stripped out by the amendments and, therefore, I am no longer in support of this piece of legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting for the pending motion. I will be doing so for my spouse, who never did run for office. He and his family own farmland, he is an incredibly private person. He already just barely tolerates my service here, although he thoroughly appreciates the work I do here, I am sure, I know that, because without the amendment that has been added, he is very proud of the fact that he and his siblings own the farmland that they do, and it is thanks to their parents hard work that they do. But I will be voting for the pending motion for my husband and thank you for that.

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

ROLL CALL NO. 348

YEA - Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berube, Blanchard, Bliss, Briggs, Browne W, Burns, Cain, Campbell, Carter, Cebra, Chase, Clark, Connor, Cotta, Craven, Crockett, Crosthwaite, Curtis, Duchesne, Duprey, Eberle,

Edgecomb, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Haskell, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Nass, Norton, Pendleton, Percy, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Schatz, Silsby, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Valentino, Vaughan, Walker, Watson, Weaver, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Berry, Blanchette, Boland, Brautigam, Bryant, Canavan, Carey, Casavant, Conover, Dill, Driscoll, Dunn, Eaton, Faircloth, Finch, Gerzofsky, Harlow, Jackson, Lundeen, Marley, Miller, Patrick, Peoples, Perry, Pingree, Simpson, Sirois, Treat, Trinward, Tuttle, Wagner, Weddell, Wheeler.

ABSENT - Beaudette, Cleary, Cray, Emery, Greeley, Hayes, Hill, Moore, Muse, Pineau, Pinkham, Pratt, Rector, Saviello, Tibbetts.

Yes, 101; No, 35; Absent, 15; Excused, 0.

101 having voted in the affirmative and 35 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-523) as Amended by House Amendment "E" (H-959)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Joint Order To Study Issues Related To Sex Offender Registration Laws.

(H.P. 1665)

Which was **TABLED** by Representative GERZOFSKY of Brunswick pending **PASSAGE**

Subsequently, the Joint Order was **PASSED**. Sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-794)** - Minority (6) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish Open Ballot Voting in Maine"

(H.P. 1253) (L.D. 1799)

TABLED - March 26, 2008 (Till Later Today) by Representative PATRICK of Rumford.

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

On motion of Representative PATRICK of Rumford, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

On motion of Representative JONES of Mount Vernon, the House adjourned at 4:06 p.m., until 9:00 a.m., Wednesday, April 9, 2008.