

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Appendix
House Legislative Sentiments
Index

Pages 1358-2163

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
8th Legislative Day
Friday, April 11, 2008

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

Prayer by Reverend Carolyn Bradley, First Congregational Church, Millinocket.

National Anthem by Andrew Sullivan, Caribou.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 520)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 10, 2008

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

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

- L.D. 1065 Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers
- L.D. 2042 An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring Disorders Court
- L.D. 2077 An Act To Increase the State Subsidy for Adult Education within the Department of Education (EMERGENCY)
- L.D. 2116 An Act To Provide for the Construction of a Warehouse in Eastport (EMERGENCY)
- L.D. 2208 An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program (EMERGENCY)

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

Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Jeremy Fischer
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 774)

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

April 10, 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 Labor, the nomination of Carol B. Gilmore of Charleston for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Karl Dornish, Jr. of Winslow for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Peter T. Dawson of Hallowell for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Robert L. Piccone of Portland for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Wayne W. Whitney of Brunswick for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, the nomination of Richard L. Hornbeck of Bowdoinham for reappointment to the Maine Labor Relations Board.

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, To Appoint Members to and Establish Terms for the Workers' Compensation Board

(H.P. 1677) (L.D. 2318)

Sponsored by Representative TUTTLE of Sanford.
(GOVERNOR'S BILL)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Resolution: (H.P. 1678) (Cosponsored by Senator BOWMAN of York and Representatives: CLARK of Millinocket, DRISCOLL of Westbrook, DUPREY of Hampden, FINCH of Fairfield, GILES of Belfast, JACKSON of Allagash, NORTON of Bangor, RECTOR of Thomaston)

**JOINT RESOLUTION IN SUPPORT OF THE
RECOMMENDATIONS OF THE COMMISSION TO DEVELOP
STRATEGIES TO INCREASE POSTSECONDARY ACCESS,
RETENTION AND COMPLETION
FOR LOW-WAGE, LOW-SKILLED ADULTS**

WHEREAS, the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults was established during the First Regular Session of the 123rd Legislature by Joint Order 2007, Senate Paper 717; and

WHEREAS, the commission included 7 Legislators and 6 individuals with experience in workforce development and training who represented the Maine Educational Opportunity

Center, the public higher education system, a statewide organization representing the economic interests of women, a statewide organization with expertise in economic policy analysis and one employer with experience in supporting educational programs for its employees; and

WHEREAS, the commission members concluded that the Legislature, together with officials in appropriate state agencies and public instrumentalities and other key private sector partners in industry, small business and the nonprofit community, must restore the development and training of Maine's low-wage, low-skilled adult citizens as a priority policy issue; and

WHEREAS, the commission recommended that the Department of Labor should develop uniform procedures at all CareerCenters to assist low-income, adult students in accessing a package of supports for which they are eligible and that they need to succeed in postsecondary education or occupational training; and

WHEREAS, the commission recommended that policymakers should strengthen the package of postsecondary education opportunity resources and support services available through the campuses and centers of the Maine Community College System; and

WHEREAS, the commission recommended that policymakers should seek to leverage federal Perkins funding to establish a career pathways pilot project in at least one sector of Maine's economy in order to prepare low-wage, low-skilled adults for high-wage jobs in industries with significant demand for skilled workers; and

WHEREAS, the commission recommended that the Maine Association of Student Financial Aid Administrators maximize access to federal financial aid resources by encouraging student financial aid officers at Maine colleges to provide adequate notice to adult students and to apply the professional judgment standard in a more uniform manner when considering the special circumstances that determine adult students' eligibility for student financial aid resources; and

WHEREAS, the commission recommended that, to the extent possible, adult education program resources be used for remedial or developmental education that prepares low-wage individuals to enroll in a postsecondary education program and enables such individuals to maximize eligibility for federal student aid resources to matriculate and complete a 2-year degree program at a college or university; and

WHEREAS, the commission recommended that comprehensive and coordinated career counseling and postsecondary education access resources be targeted to adult students in rural and urban areas of the State and located at the campuses or centers of the Maine Community College System in a manner that is sensitive to the particular needs of these students in rural and urban settings; and

WHEREAS, the commission recommended that policymakers seek to coordinate the design and implementation of a public awareness campaign to inform low-skilled, low-wage adults about the package of postsecondary education and workforce development resources available to meet their education and training needs; and

WHEREAS, the commission recommended that the Maine Community College System and the University of Maine System seek to implement a coherent policy recognizing prior learning assessments for adult students. The commission suggested, in order to increase appropriate referrals for a prior learning assessment, that the Maine Community College System and the University of Maine System create a single checklist that the Department of Labor CareerCenters, adult educators and educational access providers can use to determine which adults

are likely to benefit from prior learning assessments; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed additional resources, as available, be provided to strengthen the package of postsecondary education opportunity resources and support services available through campuses and centers of the Maine Community College System, including career counseling, developmental education classes and other support services needed by low-wage individuals to access a postsecondary education or training program at the Maine Community College System; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature seek to leverage federal Perkins funding to establish a career-pathways pilot project in at least one sector of Maine's economy in order to prepare low-wage, low-skilled adults for high-wage jobs in industries with significant demand for skilled workers; and

WHEREAS, the commission recommended, to the extent funds allow or are provided, that the Department of Health and Human Services, the Department of Education, the Maine Community College System and the University of Maine System forge public-private partnerships with career and technical education, adult education, the MELMAC Education Foundation, the Maine Compact for Higher Education and employers that will establish career pathways to more effectively serve the needs of the adult workforce and employers needing skilled workers. The commission suggested that as state budgets are reviewed and developed the Governor and the Legislature seek to provide funding to support these public-private partnerships in order to create such career pathways; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature target new financial aid program funding to meet the unmet financial needs of low-wage, low-skilled adults to enable them to access education and training; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature invest state dollars, as available, to match federal TRIO funds provided under Title IV of the Higher Education Act of 1965 to help low-income adults who are first-generation college students or students with disabilities succeed in college; and

WHEREAS, the commission recommended that the Commissioner of Education work with the Maine Adult Education Association and the Maine Community College System to colocate adult education programs with community college campuses where feasible, to provide seamless remedial course offerings to low-wage adult students and to maximize the value of federal financial aid to students. Where such collocation is not feasible, the commission suggests that the Commissioner of Education work with the Maine Adult Education Association and the Maine Community College System to review, update and implement memoranda of understanding that allow acceptance of competencies and a seamless transition between adult education and college programs; and

WHEREAS, the commission recommended that the Department of Education continue to implement and expand the pilot programs of the Maine College Transition Program coordinated by the adult education system; and

WHEREAS, the commission recommended that, to the extent resources allow or are provided, the Department of Labor, the Department of Education, the Maine Community College System and the University of Maine System create a uniform data collection system relating to nontraditional-aged students, including but not limited to household income and employment at

time of entry into the system, prior training and learning, type of program sought, retention benchmarks, stop-out periods, type of program completed, completion dates, duration of time in school and outcome data; and

WHEREAS, the commission recommended that as state budgets are reviewed and developed the Governor and the Legislature seek to provide resources necessary to create a system of benchmarks that tracks performance in enrollment, retention and credential completion for low-wage, low-skilled adults and that rewards performance of the institutions that contributed toward the achievement of the relevant benchmarks with incentive funds from a pool of resources established for the purpose; and

WHEREAS, the commission recommended that the Governor's Workforce Cabinet consider the feasibility of utilizing Department of Education 3-year grant funding to track the path of secondary school students, including participation in adult education programs, enrollment in postsecondary education and training programs through completion of a postsecondary education degree and certificate program and into employment in a new or better job. The commission suggested that the Governor's Workforce Cabinet design a measurement and accountability system to track Maine's progress in increasing the number of low-wage, low-skilled adults who attain postsecondary education built upon the existing data collection and management capacity of state agencies and postsecondary education systems; undertake a review of all current indicators across systems; assess existing data collection systems; and recommend a uniform set of indicators, databases and surveys that should be established and updated. The commission further suggested that the Governor's Workforce Cabinet report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs matters and labor matters by the first day of the First Regular Session of the 124th Legislature concerning the measurement and accountability system and include in its report a recommendation for the appropriate oversight body to keep track of students and their success; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support of the recommendations made by the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 46)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused April 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jill M. Conover of Oakland be excused April 1 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. Grose of Woolwich be excused April 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James M. Hamper of Oxford be excused April 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused April 1 and 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused April 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher W. Rector of Thomaston be excused April 7 and 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Weddell of Frankfort be excused April 2 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Emil Landau, of Damariscotta, a Holocaust survivor and a longtime and notable Maine citizen. Mr. Landau was born in Witten, Germany, where his family had lived for 400 years. His family was sent to the Theresienstadt concentration camp, and in 1944 he was moved to Auschwitz, where he was placed in the condemned barracks by Josef Mengele. Mr. Landau courageously escaped to an adjoining gypsy camp and soon after was assigned to a work detail at the satellite camp at Czechowitz. In 1945, he was transferred to Buchenwald, where he was liberated by General George Patton's Third Army on April 11, 1945. He was reunited with his mother and sister, who had been told he was dead. His father died at Theresienstadt. Mr. Landau immigrated to America in 1946 and worked in New York as Western Hemisphere Manager for Printing Developments, Inc., a subsidiary of Time-Life. He later founded his own business, Printing Techniques International, in Madison, Connecticut. On his retirement, Mr. Landau and his wife and son, Carolyn and Alex, moved to Damariscotta, where he cultivated his passions for sailing, classical music and theater. He also began to share his Holocaust experiences with high school and college students in Maine, always refusing to think of himself as a victim. Mr. Landau was on the boards of directors of the Round Top Center for the Arts, the Gulf of Maine Foundation, the Holocaust and Human Rights Center of Maine and the Skidompha Public Library in Damariscotta. We acknowledge the extraordinary life and experiences of Mr. Emil Landau and his commitment to the State of Maine. He will be greatly missed and long remembered by his loving family and his many friends;

(HLS 1213)

Presented by Representative PIEH of Bremen.

Cosponsored by Senator DOW of Lincoln, Representative McKANE of Newcastle.

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

READ and ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-989)** on Bill "An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services"

(H.P. 1466) (L.D. 2080)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec

Representatives:

GERZOFKY of Brunswick

BLANCHETTE of Bangor
 GREELEY of Levant
 HILL of York
 HANLEY of Gardiner
 PLUMMER of Windham
 TIBBETTS of Columbia
 KAENRATH of South Portland
 HASKELL of Portland
 SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-990)** on same Bill.

Signed:
 Senator:
 SHERMAN of Aroostook

READ.

Representative GERZOFKY of Brunswick 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.

ENACTORS
Acts

An Act To Recouple Maine Estate Tax with Federal Estate Tax

(H.P. 1081) (L.D. 1556)
 (C. "A" H-633)

An Act To Amend the Animal Welfare Laws

(H.P. 1545) (L.D. 2171)
 (H. "A" H-982 to C. "A" H-965)

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 Promote Municipal Wind Generation Development
 (S.P. 893) (L.D. 2266)
 (C. "A" S-579)

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

On motion of Representative BLISS of South Portland, 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" (S-579)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-986) to Committee Amendment "A" (S-579)** which was **READ** by the Clerk.

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

Representative **BLISS**: Thank you, Mr. Speaker. Mr. Speaker, in this municipal wind legislation, the Utilities and

Energy Committee instructed the Governor's Office of Energy Independence and Security to do some investigating and take some action, but in truth, there is no such office in statute, and so when this bill came out of committee, we asked that those responsibilities be placed in the hands of the Chair of the Energy Resources Council, who actually happens to be the same person. Now, however, in other legislation, we are in fact creating that office by statute, and so it makes sense to appropriately list that office as the rightful place to do this work and that is what this amendment does. Thank you, Mr. Speaker.

House Amendment "A" (H-986) to Committee Amendment "A" (S-579) was **ADOPTED**.

Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-986) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-579) as Amended by House Amendment "A" (H-986)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

The following Joint Order: (S.P. 927)

ORDERED, the House concurring, that the following bills and all their accompanying papers be recalled from the Governor's desk to the Senate:

1. "An Act To Amend the Maine Certificate of Need Act of 2002," H.P. 1659, L.D. 2301;
2. "An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes," H.P. 1670, L.D. 2310; and
3. "An Act To Invest in Maine's Young Children," H.P. 1671, L.D. 2311.

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

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)
 (C. "B" H-869)

FAILED of **FINAL PASSAGE** in the House on April 10, 2008. Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

Representative CUMMINGS of Portland moved that the House **RECEDE AND CONCUR**.

Representative FINCH of Fairfield **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 380

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Craven, Crockett, Dill, Driscoll, Duchesne, Duprey, Eberle, Faircloth, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Knight, Koffman, MacDonald, Makas, Marley, Mazurek,

McDonough, Millett, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Priest, Rand, Rector, Rines, Robinson, Savage, Simpson, Smith N, Strang Burgess, Sutherland, Tardy, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Berube, Boland, Browne W, Canavan, Chase, Clark, Cleary, Conover, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Farrington, Finch, Finley, Fitts, Fletcher, Gifford, Gould, Hamper, Jackson, Jacobsen, Johnson, Joy, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Miller, Pendleton, Pinkham, Prescott, Richardson D, Richardson W, Samson, Sarty, Saviello, Schatz, Silsby, Sirois, Sykes, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Walker, Weaver, Weddell.

ABSENT - Connor, Dunn, Emery, Fischer, Fisher, Moore, Muse, Pratt, Rosen, Woodbury.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

An Act To Establish a Railroad Crossing Information Council
(S.P. 847) (L.D. 2199)
(C. "A" S-549)

PASSED TO BE ENACTED in the House on April 9, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-549) AS AMENDED BY SENATE AMENDMENT "A" (S-600)** thereto in **NON-CONCURRENCE**.

On motion of Representative MARLEY of Portland, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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

(H.P. 1491) (L.D. 2105)
(C. "A" H-874)

PASSED TO BE ENACTED in the House on April 7, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874) AND SENATE AMENDMENT "A" (S-574)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Reduce the Income Tax"

(S.P. 303) (L.D. 952)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 10, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-589)** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

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

House **ADHERED** to its former action whereby the Reports were **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in the House on April 9, 2008.

Came from the Senate with the Majority (11) **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-943) AS AMENDED BY SENATE AMENDMENT "A" (S-598)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Regarding Lobbyist Disclosure"

(S.P. 481) (L.D. 1393)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-968) thereto in the House on April 10, 2008.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory

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

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 8, 2008.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-946) AS AMENDED BY SENATE AMENDMENT "A" (S-583)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend Maine's Scallop Laws"

(H.P. 1455) (L.D. 2071)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863) AND HOUSE AMENDMENT "A" (H-889) in the House on April 1, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863) AS AMENDED BY SENATE AMENDMENT "B" (S-597)** thereto **AND HOUSE AMENDMENT "A" (H-889)** in **NON-CONCURRENCE**.

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

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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-983)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-984)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Uniform Building and Energy Code"

(H.P. 1619) (L.D. 2257)

TABLED - April 10, 2008 (Till Later Today) by Representative SMITH of Monmouth.

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

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. When I consider what it means to mandate communities and individuals, that the government is going to decide how much money they need to spend on insulation and which windows are allowed to be put in their new houses, I hit a line that I am unwilling to cross. When did it become not about what I want and become what others want me to do? That is what people are complaining about to me with respect to government intervention in their lives.

Codes are intended to protect individuals. Fire codes are designed to keep people safe from the dangers of fire. Electric codes are designed to protect the individuals from electrocution. Plumbing codes are to prevent unsafe situations where wastewater is not able to flow, and homes and businesses would have dangerous gases built up in them. Building and life safety codes are to protect against structural and dangerous situations that occur in construction and various buildings and structures that we occupy. Energy codes, on the other hand, are being sold as a way to protect us from apparently being foolish with our money. Nothing in the development and mandating of energy codes has to do with protection of life or property.

I will not dispute that there are many incidences where the inclusion of the aspects of what is presently presented here today, in regard to energy codes, would make great economic sense for people. I do, however, object to the forcing of these codes on people who are content with the way that their home is designed and built. Even though it might not be built as well as what the promoters of this code would like to have, the Utilities and Energy Committee recently passed model energy code legislation, which allowed the communities that wanted to implement an energy code would have the ability to adopt that code. This made the code permissive, but not mandated on communities. I was comfortable with that method of implementation. I will not, however, support mandatory energy codes where the ink is barely dry on the previous bill.

We often hear complaints about the camel's nose under the tent when we pass laws here in this House. Well, Ladies and Gentlemen of the House, I smell a camel and, watch out, it spits. If we want to build or force their builders to build to the standards in this code, we must educate them on the value of the codes before we force it upon them. The model code legislation, previously passed, would do that and allow for education and implementation of the model energy code where communities want to, but it would not be a mandate.

I support the Minority Report of LD 2257. It removed references of the mandatory implementation of the International Energy Conservation Code. We already have legislation on the books that allows for a systematic rollout of this code, and I will not support expanding the effect of that legislation so soon. This is an example of how we cannot trust that the actions of one vote will not be soon overridden by later actions. This body is never satisfied by compromise or agreement on an issue. Vote with me

in defeating the Majority Report, so that a reasonable and perfectly acceptable alternative can be brought forward in the Minority Report. 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. We can usually agree on the what, the objective, the goal. Where I have noticed that we tend to diverge is on the how, the means to achieve that goal. This is an example of that in my mind.

There is no question that a uniform building code and even a uniform energy code is the right way to go, so we can all conform to one standard, there would be consistency from one town to another. What I have issue with is the fact that we, I guess, have come to the conclusion that the people of the State of Maine and the towns are unwilling or unable, or in other words do not have the mental capacity to acknowledge that these are good codes, they will save people money, and that they should implement them. So because of that apparent conclusion, we are now, 186 of us, in our infinite wisdom are going to force them to accept the standard which should be very logical and freely accepted by rational people. That is where I think the problem is.

Now, we have implemented and designed the model codes for energy and building. I believe, based on what I have seen from the people of the State of Maine, that if they are given the information, they will follow those codes and they will follow them because they value them, because they know they will work, they know it is the right thing to do, both from a whole group of areas. What I think is totally inconsistent is the fact that before they have really had a chance to understand the value, we are going to mandate it, we are going to give them no choice, this will be an action of this 186 of us in our infinite wisdom have said you will never understand them, never accept it, so we are going to have to force them upon you. I do not believe that. I and I am sure that you and your communities, people will make the right decision when they are given the opportunity and the information. What we have not done, in my view, is given them the appropriate information in the right form to understand it. Now none of us wants to waste energy, who would? But to say that we are going to impose the standard that will require there to be a blanket approach and be requiring people without their consent to conform to that is where I cannot accept this piece of legislation in the Majority Report.

What I would suggest is a more appropriate means of achieving our goal is to educate people, let them understand the value and they will do it because they know it is right for them and for a whole group of reasons. I would ask you to defeat the Majority Report, let the people of Maine make the right decision and to show your confidence in them that they will do and follow the right standards. I have watched a lot of things happen in this body and I think it is all done with the right intentions, but in this case we have not given the people of Maine the credit that they deserve and have earned to be making the right decisions for themselves. We can achieve the objective, I agree on the objective. I do not accept that mandating, forcing, requiring and passing laws to require people to do what I think they will do anyway is the right way to really reinforce our freedom of choice in this country. Thank you very much, Mr. Speaker.

Representative DUPREY of Hampden assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Report before you on the statewide uniform building code and I want to tell you why. I sit on the BRED Committee and listen to significant amounts of testimony about the support and the importance of this bill to the Maine's economy. I can indemnify three primary reasons that I would like to share with you and why I rise to support this pending motion.

First, similar to many towns and cities throughout our state, my city, Augusta, has struggled with vitalizing our beautiful, historic downtown. Many investors and business leaders have tried so many different strategies to bring back the downtown to the thriving commerce that it once was. I have great respect for my city leaders and the city leaders throughout our state who have struggled with this issue. Probably the single greatest challenge to this progress is the challenges presented when working with all the different codes that we have: building, rehab and life safety code. The lack of harmony in these codes has been a brick wall for developers and business leaders who have looked into investing in our downtown. This bill that is coming forward to us will hopefully harmonize, it will create a board that will create codes that will harmonize and promote the development of our downtown. The Majority Report allows the board to resolve conflicts, between and among these codes, not simply identify the conflicts.

Second, I believe that the Majority Report recognizes the individual differences between our towns and cities. You all know that I have made a couple of speeches saying that we do need to recognize the differences between and among our towns. In the Majority Report, we have identified four different implementation and enforcement mechanisms and those are listed in a couple of handouts that you have had passed out to you: First, towns may choose to enforce the codes with code enforcement officers right on staff; that will probably be what happens, in my case, in the City of Augusta. Second, towns may contract for enforcement through collaborative, regional opportunities. Third, towns may employ a joint or regional code enforcement person, which might be on the county level. Or finally, an opt out provision in favor of a state certified code inspector, which will be paid for by the builder. These different enforcement options allows cities and towns to choose the best and most reliable method for their town, again, which respects the individuality of each of our cities and towns, thus the reason why I supported the Majority Report.

Finally, there is significant training and education for code enforcement officers and these state certified code inspectors offered through the State Planning Office. I think it is critical that we provide the education necessary to move forward in harmonizing these codes. I believe that we have a reasonable timeline. It is not going to be adopted until 2010 and enforcement in 2012. I think that is a reasonable timeline to be able to make sure all of our cities and towns are up to speed. There is a variety of stakeholders on this harmonizing board, and in addition to that, there will be input that will come later as this board begins working, and they will work and report to the BRED Committee. Ladies and Gentlemen of the House, I believe the Majority Report is a win-win situation for everyone, and I hope that you will join me in voting for the pending motion. I know that it will benefit Augusta, and I know that it will benefit the entire State of Maine. Thank you very much.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is no doubt

that the time has come for statewide code for continuity and consistency from town to town. This is our chance to build it solidly and with stable legislation. The Minority Report does just this. It is the framework on a solid foundation that has been poured. It doesn't force mandates or energy codes; it just creates uniformity on which we can build upon from here. Let's not bite off more than we can chew. We can educate the energy code, provide a choice, and let the process work. For a simple and basic code with consistency through the state for this industry, vote for the Minority Ought to Pass and follow my light. Thank you.

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

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise very briefly in support of the Majority Ought to Pass Report. Colleagues, if you bought a new home, a brand new home, a building in Maine, wouldn't you assume with minimum standards? For example, there was relatively energy efficient. I think it is a reasonable assumption and widely shared in Maine and that is why I was very shocked to learn that 85 percent of new homes in Maine—again, 85 percent of new homes in Maine—don't meet a minimum energy efficient standard. It would be foolish and, I can say from personal experience, irresponsible, I think, to believe that all consumers in the market will be able to tell whether a new building or home is reasonably built and somewhat energy efficient.

Friends, when we buy a car, it comes with a miles per gallon sticker. That is very important to us, particularly nowadays with gas being a little unreasonably high, but we won't go there. When we buy a refrigerator, it comes with an energy rating that is easy to read and understandable so we can make that investment in energy efficiency, both to save us money on our electric bills but also to protect our planet. But the biggest investment in our lives comes with nothing. Basic building and energy codes provide simple protections for consumers, and when we implement them across the board in a consistent way with good training and simple enforcement, the benefits are much greater. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You listened to Representative Fletcher; he made a very good presentation. I do want to speak on behalf of those who do not have the mental capacity to understand this particular LD. At what point will we stop asking government, or big brother, to protect us from ourselves? I realize that speaking on the floor of the House does not change minds; however, as Alexander Pope once said, hope springs eternal. However, I do feel compelled to speak on behalf of a small sawmill operator in the State of Maine.

This international code will require that all structural and sheathing materials must bear a grade stamp. Many small mills, mills like my own, will loose sales because these products cannot be used if this building code goes through. These small sawmills and portable mills and band saws that have allowed Mainers to cut wood from their property and build their homes and businesses will be out of business, and the cost of building a home will suddenly be beyond reach of many. We, in Maine, depend on the small sawmill to build our homes and, in many cases, especially rural Maine and Aroostook County. Thank you very much, Mr. Pro Tem Speaker.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to start just by saying that I have never questioned the mental capacity of the people of Maine, nor will I ever. Thank you.

I do want to address, you have a couple of flyers coming out fast and furious, I think a blue one that I put out that I prepared trying to summarize where we are now, the purpose of the statewide building code, and then outlining the differences between them. At the bottom of it, I put the statement: Finally, we have a bill that is seen as pro-business, pro-labor, pro-environmental, and pro-consumer. I cannot think of another bill that has met that criteria. I want to hit one brief aspect of that and that is the pro-business climate. Regardless of where you are in the spectrum of perspectives here in this body, it is reasonable to say that it is reasonable for businesses to expect a consistent business climate. That is what this bill does, both within geography so that there is the same standard statewide, but also in timing.

The point had been made earlier, I believe an error, that the alternative to the pending motion accomplished the goal of a consistent environment. It does not. Please note that this Report before us does not repeal the board of oversight, the training, and the technical support in 2012. Your other alternative does repeal the backup. That is not a consistent building environment. What we want here in order for growth where it makes sense in our state statewide, is predictability, consistency for consumers, for homeowners, for the citizens of Maine as well as the businesses. Please support the pending motion and you will get just that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just was reminded of how many calls I got this year about energy use in homes. Sometimes I have said the same thing on the floor, when we have had a bill that is about us being elected as leaders and having the information to look into the future, while many of our constituents do, too, they don't get all the information, we do. This helps us look into the future.

We know that energy costs are not going to go down and that wasting them is not something we want to do. We also want to help those folks who keep calling and saying they can't afford this energy, and one of the best ways to stop those calls is to reduce the use, and we can do that very easily with the technology we have now by doing very simple things as a house is being built. It can't be done easily or cheaply after it is built. This protects the folks that are getting a house right now; this protects the folks that will be getting that house in 100 years from now or maybe further into the future if they are built well. That is why this needs to be enforced in some way. It also must require energy efficiency standards. This is something that we should have done before, but we have an opportunity right now to make sure it happens for the future. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise just to say that we do have a rare opportunity. I agree with my good colleague from Camden: this is a rare opportunity for us to pass a statewide building code. I know there are some of you that are anxious about the energy aspects; there are some of you that are anxious about enforcement aspects. I appreciate those anxieties. One way or another, I think it is exceedingly important in this session of the Legislature; we pass either the Majority or the Minority Report, but end up, the last session, the 123rd

Legislature, with a statewide building code. This is an extraordinary opportunity, we must not squander, and I beg you to please consider that and take effective action one way or another. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am stunned that a colleague of mine would suggest that this is a bad bill because it may prevent a business from selling substandard products.

We are absolutely, uniformly concerned about the cost of energy. We hear about it from our constituents all of the time. We struggle with how high the cost of electricity is and the costs of natural gas, and the cost of gasoline and home heating oil. We struggle with finding ways to help our constituents lower their energy costs. Most of the time, those constituents don't really have a grasp of the kinds of things they could do themselves to make their homes more efficient and save money. I am delighted there is an energy code as part of this building code. I am a little surprised that it has generated so much discussion here, because it is so simple and so clear: Adding an energy building code to what we ask is the best way to help our constituents save money on energy. And as those costs continue to skyrocket, we have a larger and larger responsibility to help them do that. This is such a simple way to do it.

Now some of you are concerned because you are in very small municipalities. I would draw your attention to the fact that this bill very clearly excludes municipalities with lower than 2,000 people. I know, also, that in many arenas, we, as a body, are hesitant to take action because we don't like to lead the pack, we don't like to be the state forging in the front and trailblazing in any area. Mr. Speaker and colleagues, there are already 40—there are already 40—other states that have adopted these types of codes. I urge you to vote for this motion. Thank you, Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do believe in consistency, and I do believe that we should have uniformity. The one thing that I see in this bill, which I really cannot explain, is why this only applies to communities greater than 2,000 people. Being a little bit sarcastic, which I will take the opportunity to do and will hopefully not offend anybody, do we assume the people in towns less than 2,000 don't need to be energy efficient or have uniform standards? I would contend that the people in this state, whether they are in a town of 2,000 or more, or 2,000 or less, would come to the same logical conclusion that a uniform building code is important and they will follow that, and those municipalities will agree to follow that. Now maybe there are extenuating circumstances that they aren't quite ready to do it yet, and I think we should respect that, and what we can do is have a uniform standard that will apply everywhere in the state and allow the communities to do what they do and manage their particular areas.

The energy code is very important, I agree, and we should have a uniform energy code and we do have a uniform energy code. The distinction is we are not forcing people to comply with it until they are ready. I believe that when people look at their options to reduce their energy costs and their environmental footprints and everything, they will make the right decision. I have a great deal of faith in the people of Winslow, as well as the state, that given the information, they will make the right decision. I do not think it is appropriate for us, in our infinite wisdom, to impose and mandate that on them and, when, in fact, we do not

even have a full understanding of the costs of implementation, who is going to be paying the bills, and is it ultimately going to be paid by the homeowner who is probably struggling right now to be able to purchase a new home.

Let us do what is reasonable: Let us defeat the Majority Report, go with the Minority Report, and trust the people of the State of Maine to make the right decision. We can achieve the objective; we will achieve the objective, but do not force upon people. Maine people do not like it, and I think they will not respond as positively as working with them in a collaborative manner with the information, with the knowledge and the tools that they need to achieve the consistency and uniformity that I think they are striving to realize. Thank you very much, Mr. Speaker and Ladies and Gentlemen.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not a person that likes excessive regulation, especially that hamstrings the conduct of businesses. What this particular Majority Report does is it allows business to conduct in such a way that it has a predictable and set standard of rules to which to follow. It provides a framework to follow that allows for enforcement when warranted that the Minority Report does not. Municipalities can decide how vigorously they wish to enforce a code, just as individual police departments and municipalities decide how to enforce traffic laws. This is not an overbearing approach.

In the response to the good Representative from Pittsfield, these are minimum standards, they are not overbearing. For example, the bill does not require insulation in basements. It should not cause duress for those who are building their own homes; in fact, there will be an amendment that will be coming forth that would allow alternative building material, which might address the issues that the good Representative from Caswell has raised. All in all, I find this, as has been previously said, a win-win opportunity to put structure in place that we have long desired to have available to the businesses of Maine and to the residents of Maine.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is just simple that the state doesn't have the money to fund this thing, even though it might be a great bill, and I know darn well that the towns don't have the money to fund this unfunded mandate, and I recommend your vote against it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sullivan, Representative Eaton.

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

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been a supporter of the Majority Report, until the good Representative from Caswell did, in fact, maybe sway my opinion. A question that I must ask—by the way, I am not very good with a hammer, I am not very good with a saw, you certainly wouldn't want me to construct your home and I do not have a saw mill, but it is imperative that I know if, in fact, a person with a private property and a sawmill would be prevented from constructing their own home under these codes, using the lumber that they create by themselves. If it requires a stamp, I will not support it, and I would appreciate that answer. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Sullivan, Representative Eaton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the BRED Committee and am on the Majority Report. Where we differed, we heard lots of good testimony from many good people. Everyone on the committee agreed on the statewide building code, where we differed was on enforcement and on the energy code piece of it.

The Minority Report requires no enforcement. On the Majority, we worked and worked to come to what we thought was a reasonable middle ground for enforcement, which has, as I think you have probably already heard, four different options for communities to use, including the option of putting enforcement off onto a third party certified by the state board. It is sort of enforcement light, if you will, and it is so light that it does not require a two-thirds vote of us because it is not a mandate on our part to make the cities and towns do anything. They can move it off to a third party, if that is how they so desire, and as the good Representative Beaudette mentioned, there is not going to be any state agency overlooking how well towns do enforce this. So I think the mandate part of this has really been dealt with by the Majority Report, giving towns the flexibility to enforce this in a really flexible way, and I urge you not be swayed by the argument that this is some sort of overbearing mandate.

I think it is very flexible. In fact, I was very pleased to find out that the code enforcement officers from both of my towns, which are over 2,000, the code enforcement officers and the town manages are enthusiastically in support of this. They were telling me that they can enforce this with minimum to no cost, and they believe that the time has come. And I had a letter from the code enforcement officer in Boothbay Harbor, who said the bills that have come about by the lack of a statewide building code are just so great that the time is here, we have to do it now. I urge you not to be swayed by the argument that this is some sort of heavy-handed mandate, it is not, and I urge you to support the Majority Report, which gives a reasonable mandate and addresses both state building and energy codes at the same time. Thank you, Mr. Speaker.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to address the question that was raised earlier about lumber. I come from the perspective: I have six brothers-in-law; two of them own portable sawmills. I certainly wouldn't do anything counter to them. The code currently requires graded lumber. As part of this process, you remember implementation doesn't happen for another two years, for adoption four years, for implementation, next year, the board that we are creating the board that the Minority Report that would eliminate in 2012, is charged with reviewing the codes that we have and harmonizing. They will do this and also make recommendations to the Committee on Business, Research and Economic Development as major substantive rules. That is where these kinds of issues that are important to Mainers, including my two brothers-in-law and some of the folks here, will be taken care of. That is why we have the slow phase-in to deal with issues that come to light, and that obviously will be dealt with.

I also want to point out, as we talked about this, I mentioned before the pro-business aspect of this as well as pro-consumer, pro-environmental, pro-labor, you name it, the business groups that have endorsed the Majority Report are the Associated

General Contractors, American Institute of Architects' Maine Chapter, Mattson Development, and Neiman Capital, Home Builders and Remodelers Association of Maine, and the Retail Lumber Dealers Association of Maine. Thank you so much.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I served five terms in the Legislature and, one term, I had the honor to serve on Appropriations with my seatmate, Madame Leader, and I have always found it interesting in the legislative process that the Appropriations Committee seems to get a lot of the glory. They deserve it, you know, they do really hard work and it's important work. But a lot of times the media focuses on them. They get a lot of attention when they pass their report. Everybody applauds them and what fantastic work they do, and it is all true.

But I think sometimes it is interesting because, in Appropriations, what I found was, all your work lasts, often times, for two years—because the budget goes up and the budget goes down, and what you work on lasts for that maximum. I would just contrast that with what we are seeing with this committee, which I think is really remarkable.

Under the leadership of this Chair, we have had something that has been percolating for literally a couple of decades. I think that this Report is something that will benefit the people of Maine, not for two years but for decades to come. It is truly historic and valuable, and I really commend the culture of this committee in working together to do something that has been attempted many times, not successfully, and I really think they deserve kudos for the way they were able to work together. And as illustration of that, I have two requests: One is that the Committee Report be read because I think it is remarkable, and second, I request a roll call. Thank you, Mr. Speaker.

Representative **FAIRCLOTH** of Bangor **REQUESTED** that the Clerk **READ** the Committee Report.

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

The same Representative **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 Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just one brief clarification: There has been repeated mention to the sunset of the Technical Building Codes and Standards Board in 2012, and that is correct. It is really an opportunity to revisit the task before that board and determine if there is a need for a board to continue looking at harmonization of codes and maintaining codes, if that board needs to be redefined, and we are hoping that in the future there will be an opportunity for contractor licensing. And actually, many of the responsibilities that have fallen to the Technical Building Codes and Standards Board are responsibilities that would traditionally fall to the Licensing Board for Building Contractors, the same way the Electric Board reviews electrical issues, the plumbing codes are reviewed by the Plumbing Board and so on. So it is an opportunity to possibly pass those responsibilities on to a contractor licensing board, should one exist, so that is the purpose of the sunset. The idea was to have a chance to revisit that issue; it is not because we don't think there is a value in having ongoing review of the building standards here in the State of Maine. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you know, I don't rise very often to speak, but I have been associated with these building codes from other states. I am strictly against these because it is going to raise the costs for the young people that we represent and representatives. It is going to put an added increase to the costs of them trying to build a house. Like the good Representative Ayotte said, there is a lot more that goes with this and it does include lumber that you can saw yourself. And the people in the other states that I have had the pleasure to talk to strongly urge, I strongly urge you, not to support this. Thank you, Mr. Speaker.

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

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to join this discussion over LD 2257, specifically on the matter of the energy building code. As people here should know, that is an important part of the Majority Report, and it would not get the job done in the Minority Report.

The energy situation that we face today, we grapple with in the Energy and Utilities Committee every day. I have had my colleagues, the Representative from Winslow and the Representative from Pittsfield, address this matter, and if you listen closely, they recognize that we can make important strides by improving energy building efficiency in the State of Maine. They argue for a voluntary approach. That has been the approach for years and years. We got our first oil shocks in the 70's and this was under discussion in the Maine House of Representatives, in the other body, all across the state, because the prices they used for awhile, it wasn't working.

In the meantime, 40 states have adopted energy efficiency codes with various kinds of mandatory enforcement. They include states that we have sometimes held up in this body as models of living free or dying. It includes New Hampshire, it includes Montana, it includes South Dakota. These people aren't stupid in those states; they aren't people that want too strong a government. What they want is to be competitive economically and are moving in the direction of becoming economical, and also avoiding some of the worse problems we face today. Buildings account for 39 percent of the total energy consumption in the United States, and approximately the same or more in Maine. Just in Maine, our buildings give up three tons of carbon dioxide per year. A very simple fix is at the front end: building buildings efficient to begin with.

I want to read from the Hartman Oil Company's website, I just picked it up today: The week of March 10th was the second week running of dramatic price increases of fuel oil from the South Portland Terminal. At the close of business, March 14, 2008, our price per gallon of No. 2 fuel oil was \$3.3759 per gallon. This heating season will soon be over, and I can only wonder with the weak dollar and speculators, what next season will bring. A little sample of the panic creeping in to the discussion in this state because of heating oil prices, it is very good reason why there is a little panic. I once thought initially that we would do without the building codes it because what is happening is we are probably getting buildings built very efficiently even though we don't have an energy building code, and even though we don't have enforcement, that wasn't the case.

Research has shown that Maine's buildings are much less efficient, not the old ones alone but the new ones, than almost all of the buildings in every other state in the country. We need to

make this step for our economy, for the environment, and for any number of other important issues that sometimes seem quite removed from us like our national security.

I commend the BRED Committee which, in my view, has a number of people who are concerned about the issue of mandates don't go there easily and decided they would take a very flexible approach and provide a range of ways to approach this so that it has the least possible burden. And fortunately, in this case, what we are not talking about is where are the costs going to go, we are talking about how soon are we going to get the savings. Will we have the savings in a single heating season, or might it take two seasons before we start to save money. If you take the current cost of heating oil and you build a more efficient building than we currently do, one that would match the code before us, the savings will be ten times over the life of the building and its rising. We need to do this as soon as we can. I thank the Committee very much for giving us this bill and this Majority Report. I hope you will join me in voting for it. Thank you, Mr. Speaker.

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate this discussion and, as it goes on, it gives me some thought. There are already energy certifications that are available. Things such as energy star and LEED Building are voluntarily and effective. They are well documented for builders and buyers to use in their choices when they contract to have a building assembled. There was a day when Central Maine Power had a program called Good Sense Homes, and that program was well received. I actually wired some of those homes in my younger days as an electrician.

I appreciate the Representative from Biddeford, Representative Beaudette, bringing up the fact that these are minimum standards that are being proposed here, but the fact is that some of the most modern of buildings are found to not meet these minimum standards. These are buildings that for all intents and purposes were built with the best of materials and the best of intentions, and these are bare minimums that we are trying to inflict on communities. I have homes in my district that have carpet nailed to their windows to keep the people warm inside. I think it would be reasonable is we could set a standard that was somewhat about that, but this goes way beyond. Enough is enough, as far as mandating to communities. I have two questions I would like to ask the body through the Chair.

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

Representative **FITTS**: Thank you, Mr. Speaker. The first question is why was this not brought to the Utilities and Energy Committee, at least the energy partition of this, for their consideration? I have some ideas as to why, but I would love to hear why this method of advancing this issue further than the Committee was previously willing to go, was used by taking it through the BRED Committee.

My second question is why is there not a mandate preamble on the Majority Report? The Fiscal Note says that it is an unfunded mandate. Thank you, Mr. Speaker.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The answer to the first question is it is going to BRED because we deal with codes: We

deal with plumbing code, electrical code, building code, rehab code. All have been before us in the past and made sense for consistency of process to come to us, and the mandate issue has already been addressed. The costs associated are insignificant and, therefore, does not need the preamble.

I do want to say that in the efforts for efficiency here in the chamber, there are three bills before you from the BRED Committee that have potential of being contentious: building codes, licensing contractors and licensing midwives. I had the thought of combining them. We could vote just once for a bill that would have mandatory homebirths assisted by licensed building contractors and homes built to a certified professional code by a certified professional licensed midwife, and we could just be done with that one. Seeing that not being likely, I do want to address the issue of locally produced lumber. As I said, it impacts my family as well. I understand some are not satisfied waiting and letting the process with the board take place, so I will be amending the amendment that you have before you to add that issue, get it cleared away now, and I will work on that.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative SMITH of Monmouth to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

The Speaker resumed the Chair.
The House was called to order by the Speaker.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-979) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Remove Impediments to Changing County Government Fiscal Years"

(H.P. 1660) (L.D. 2302)

TABLED - April 10, 2008 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Bill "An Act To Amend Motor Vehicle Laws"

(H.P. 1459) (L.D. 2075)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913).**

TABLED - April 10, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF HOUSE AMENDMENT "A" (H-991) to COMMITTEE AMENDMENT "A" (H-913).

Representative MARLEY of Portland moved that **House Amendment "A" (H-991) to Committee Amendment "A" (H-913) be INDEFINITELY POSTPONED.**

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to give you a little bit of background on how the Transportation Committee came to making this decision, because there have been a number of correspondences from various departments that have talked about the highway robbery, I believe, was one of the better terms that I heard out there. Right after local road associations, probably specialty license plates are my second favorite bills in the Legislature and, currently, we have the loon plate, the University of Maine System, a lobster to the Maine Black Bear,

we support our troops, agricultural and the breast cancer plates. Those all went through the Committee process, but they all came out slightly different because people would put in individual bills and so the Committee wanted to make all of these bills more uniform, and that is something we have been doing as a goal for all of these plates as we have moved along.

Currently, let me just give you an example, like on the loon plate; you pay \$20 for it. Currently, 14 of those dollars goes to what is called the Maine Environmental Trust Fund, and 6 of those dollars go to the Highway Fund to produce the plate. Well, the Secretary of State's Office came in and said we need, I believe it was about \$50,000 or \$60,000 more for consumables, for the things that make the plates because it is actually becoming more expensive. They asked us to take it out of the Highway Fund, the road and bridge fund, and we said, given the needs right now, we just couldn't do that. We can't take money out of roads and bridges so that we can do a fundraising plate. If we are going to take the money out of somewhere, we felt like it would be fair to take it out of the cause, their end of it, so the example of the loon plate, the \$20, \$14 used to go there, \$13 would go there, \$6 would continue to go to the Highway Fund and \$1 would go to the Specialty Plate Fund, and we have done that uniformly. Obviously, it has caused unintended consequences in other departments, in other agencies. We, as the Transportation Committee, viewed it obviously through the spectrum of roads and bridges and transportation infrastructure. We didn't, we still don't believe that that was the appropriate way of handling it, taking it out of the Highway Fund.

The sportsman's plate is a little bit more unique. It is the only plate that didn't go through the process. It was put in the budget, I think, two or four years ago, and unlike every other plate that currently gives you the \$6 or \$10 for the Highway Fund for production, its entire \$20 goes to the cause. We felt it was only fair that they be putting the same sort of uniformity, if you will, where \$9 goes to the cause, \$10 to the Highway Fund and \$1 to the Specialty Plate Fund. This, and rightfully so, from their perspective and I don't begrudge my seatmate or my other friends on IF and W from their concerns over this, but we are trying to make the law uniform, we are trying to make it so that the Highway Fund is not impacted by these fundraising plates. So with due respect, I ask for the Indefinite Postponement of House Amendment "A."

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 would like to say that the good Representative from Portland, Representative Marley, is pretty accurate in his portrayal of the license plates, but I think that there is a real issue with what they say the costs of the plates are. I would think that \$6 for the plate would be enough to cover it. When you just go out and buy a regular plate, it only costs \$20 for that and the state seems to be able to print all different types of those, and you don't hear that the cost of that is going up. So I think we can continue with the printed plates with the already established amount that is in statue for each specialty plate.

In regards to the sportsman's plate, it didn't go through the committee process, but I think it is quite obvious that collecting 2,000 signatures in three weeks time, to me, it is obvious that the state wanted this. We certainly didn't have any trouble getting the signatures, and IF and W paid for the plates up front, so until those 7,500 plates are sold, I don't see why there should be a need to take any of the money, any of the \$20, to print plates, because we have already paid to print them.

After that 7,500 is sold, I agree that a portion of that \$20 will

have to come out of there to pay for any new plates, but for the first 7,500, I don't think that we should have to pay on to that. The really tough part about this is we just went Monday and had a big press conference and rolled out these plates, and Tuesday we find out we're trying to strip a bunch of money out of it before it has even had a chance to work. So this amendment takes out all specialty plates, regardless of what the amount Transportation wanted to take off the fee, and I think probably a more open process or whatever, Audubon, SAM and all these different groups are against this, obviously, so I hope that you will not support Indefinite Postponement so we can go on and let the amendment go on to the bill and fix this highway robbery.

Representative JACKSON of Allagash **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-991) to Committee Amendment "A" (H-913)**.

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 Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do respect the Representative from Portland, Representative Marley's principles that he has articulated around fair share and covering costs for these plates. My concern with this is that we ought to at least have a transition period if we are going to move in that direction and not put a shock into the budgets and the staffing of what we have already depleted Inland, Fish and Wildlife Department, so I can't support this bill. I am not going to support Indefinite Postponement; I am with the man from Allagash.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will support the Indefinite Postponement and hope that you do, too. It is not as if we are taking all of the funding out of the sportsman plate or any plate, it is a redistribution of the funding mechanism. We, as a committee, understand very well that without any replacement funding, the roads, the potholes in those roads will only get deeper and wider, and this is an enhancement, also, as you know, to the Highway Fund. Maybe that is not what is acceptable to you, but you have to understand that we have tried bonds. Bonds are a quick fix, they are not sustainable, we know that; the budgets are not much help as well, so we are trying to create avenues that create an enhancement to the Highway Fund. And it should be noted that the sportsman's plate is the most expensive plate to make. That is all we are trying to do.

I am really hopeful that this Indefinite Postponement holds and understand that this was a unanimous committee vote. We, as a committee, are also committed or at least have an understanding of some of these groups, the lobbyists, and we think are good, but we also understand our needs. Thank you, Mr. Speaker.

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

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I rise to also ask for your support of the Indefinite Postponement.

This bill, as many of you know, the pink plate bill came through last session and we were one of the first people to have to go through the regulations and we went through every step of the process, and we actually went out and raised our \$40,000, \$20 at a time, from 2,000 different people. We did it through the rules and regs. When it came time for the Transportation Committee to really look at the cost factor of what it costs, I am

happy and I think it is appropriate for anybody, any organization, any group that comes forward with a specialty plate, there is a process that has been set, and I think that anybody who goes through that process, the dollars and cents are set up to cover the costs for the production of the plate.

Now, I think that what we have learned through this, and I say we, the big we, the state, has learned that these plates are becoming a very expensive proposition. One of the things that they did was trying to look at how that could be better structured so that we do not take money from roads and bridges, as it were, and that these plates become somewhat self-sustaining and support themselves. I am in favor of that. I think that it is meant to do a lot of different things, why you create a specialty plate, you do it to create awareness and you do it to be a fundraiser for a particular cause or causes. All I would ask is we go forward, Transportation worked really hard at trying to figure out an equitable way. I know it may feel like it sort of goes back in time to equalize things, and it is a way to look at the financial part.

As you go forward and we consider this bill, I just would say that what needs to be fair for one, needs to be fair for all. The breast cancer license plate is already a done deal and it is actually set up in this new format, and the amendment that is actually on the floor right now asks to strip all the license plates with the exception of the breast cancer plate. And whatever happens, I would certainly hope that we treat the breast cancer plate certainly would be included in the specialty license plate family, as it were, so it certainly asks for that. But at this time, I am in favor of supporting the Transportation Committee's mission in trying to create an equitable way to look at specialty license plates, so would ask your support for Indefinite Postponement. 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 rise in opposition to the Indefinite Postponement motion. I do so because I do have a little history with the loon plate, which preceded all other specialty plates. It was put into place over 10 years ago, there was a particular bill, long before there was this whole process, and many, many other plates, and the funding in that goes not only to programs overseen by the IF and W Committee, but also programs overseen by the Natural Resources Committee. It is support for lands projects, it is support for the budgets in IF and W and the Department of Conservation, and those budgets are part of what we passed in our budget bill this year, the anticipated funding coming in, and so this piece of legislation that has come through the Transportation Committee is shifting around those expectations. I don't know that it is appropriate to treat all of the license plates differently than the breast cancer one. I certainly support the breast cancer license plate, as well, but what has come out of committee doesn't address, I think, appropriately, the funding that is currently anticipated from certainly the natural resources plates, which were the very first plates to come in long before we had this process. So I think the appropriate thing to do is to amend this piece of legislation, give us some time to think about how to deal with those preexisting agreements, basically.

There is quite a bit of money that does come from the original loon purchase which goes into the Highway Fund, it gets \$6 from every single loon plate, and the rest of it, as I said, is divided between these agencies that are very short of funding. I know that many of you probably heard if you weren't actually in the committees, the news reports last night of the incredible costs that the natural resources agencies, IF and W has just because of the gas prices, and they are going to be short just because their budget relies so much on having the wardens being able to

go out and travel around, and they have been cutting back services pretty significantly and are already facing a shortfall there, so this is just going to exacerbate that. I think that the amendment is a good opportunity to just slow down a little bit here and figure out how to address this in a way that, at least for the current budget year and coming up won't cause additional problems. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for this Indefinite Postponement. I think all of you realize I was under stress in the Highway Department for funding of our roads and bridges. We can't afford to lose more money. As you all know, probably costs of materials, especially metals, have tremendously increased. The cost to produce a pair of plates runs from \$5 to \$7, the ones with four colors are \$7 a pair. Maybe we ought to only have one plate as a possibility, but right now we don't have that. We just can't afford to cut our highway funds in order for fundraising for these different things. Now they are all very good causes, but we need to take care of our highway funds and what it is doing, as has been mentioned before, we are trying to replenish that supply, materials of the specialty plates, and each plate is going to be contributing \$1. So again, it is a fairness issue, and also it is an issue to help continue what support we do have for our roads and bridges, which we definitely need. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am voting against the Indefinite Postponement of LD 2075. Having been a sponsor of the We Support Our Troops plate, and having worked so diligently and so hard in meeting the requirements of the specialty plate, it took us three years to get the signatures and raise the necessary funds, and then having to go out and raise additional funds. We raised \$58,000 to meet the Transportation Committee's requirements. Now we have the plates in circulation and the moneys that have been raised and the plates that are being sold and the revenues from those plates are supporting the Maine men and women that are serving overseas and their families. It is, in my opinion, unfair and unjust to now change the rules and take these moneys away from us, so I urge you to follow my light. Thank you, Mr. Speaker.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A few years ago, we stopped paying for the ferry system out of the General Fund and started paying for it out of the Highway Fund. We pay way more for public safety out of the Highway Fund than we should. We are paying for murder investigations and drug investigations out of the Highway Fund and taking it away from our roads and bridges. Has the Highway Fund just become a piggybank for every worthy cause that comes along to be raided? I would hope not, not in the shape our roads and bridges are in. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I applaud leadership for postponing the discussion of this bill when the Transportation Committee was not in the room. I think it is appropriate that the stakeholders be in the room when something like this is discussed. Sadly, the stakeholders of the license plates were not in room when it was discussed in Transportation. None of the

stakeholders actually knew about the bill, and that is why I will be opposed to this particular Indefinite Postponement motion. It is no wonder that sportsmen were not aware about the bill.

If you look at the original bill, the original 2075, there were four elements to the bill: The first one amended the long-term trailer registration requirements, the second amended the disability plate law, the third corrects a title fee to charge the regular title fee, and the fourth amends the period fee for a long-term overweight permit. At the time, this had nothing to do with whether sportsmen are getting dinged to their license plates, so none of the stakeholders knew what we going on. It may be that if the stakeholders were in the room, they would have agreed. It may be that they would come up with better ideas, suggestions for funding. We will never know because they never knew, so it is appropriate to go ahead with this amendment, defeat the Indefinite Postponement measure, and at least give the stakeholders an opportunity, perhaps in subsequent legislation, to weigh in on the issue. For the time being, without the stakeholder input, I think it is inappropriate to go forward with the legislation as it is. Thank you, Mr. Speaker.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to say that those of us in Agriculture and Conservation support the Representative from Allagash, and we hope that you vote against the pending motion. I am sorry I don't have enough voice to elaborate.

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

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

The SPEAKER: The Representative may pose his question.

Representative **ANNIS**: Thank you, Mr. Speaker. If it is a dollar this year, will it be a dollar next year, then the year after and the year after until the purpose of these plates is diminished to the point where it is just a contribution to the Highway Fund? I know my wife bought a loon plate specifically—specifically—for conservation, and talking to her last night, I am afraid to go home.

The SPEAKER: The Representative from Dover-Foxcroft, Representative Annis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't help him with his wife, but I there have been a lot of unanswered questions, a lot of questions asked, and while I think we have heard from virtually every sponsor of a bill, there are a couple of you that your bills didn't get passed so you didn't get up and stand up and discuss it.

If you note, actually, and I don't have the original bill, but much of the bill changed. A lot of it came out and new things went into the bill, just like every other committee bill. I just don't want you to think we were sitting around one midnight in a smoky, dark room where we said, hey, let's get those license plates. The Department came forward and said they needed more money for these license plates, and that is really when and the Representative asked a question, is it a dollar this year, is it two dollars next year, but the reverse is what is happening now: It is a dollar this year from the Highway Fund, is it two dollars next year and where do you have that firewall. So in our minds, we had to set some uniform standards.

Just one of the other pieces is, one of the reasons sportsman's plates is the most expensive, and the ag is probably second, is the number of colors. I would have never known these things, except for being on the committee, and one of those two

plates actually wanted to have 16 colors at the time, and it had to be scaled back simply because the more colors, the more expensive the materials. So you are right: Is it one dollar this year from Highway Fund, five dollars next year? You really are going to ruin the Fund and the purpose of these plates. So this is a great debate, everyone makes a good point. From our committee perspective, we felt the money was not appropriate to come out of the Highway Fund when it is a fundraising plate. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement House Amendment "A" (H-991) to Committee Amendment "A" (H-913). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 381

YEA - Adams, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berube, Blanchard, Blanchette, Bliss, Boland, Browne W, Cain, Campbell, Canavan, Cebra, Chase, Clark, Cotta, Craven, Crockett, Crosthwaite, Curtis, Dill, Dunn, Duprey, Edgecomb, Emery, Faircloth, Farrington, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Harlow, Haskell, Hayes, Hogan, Johnson, Joy, Kaenrath, Knight, Lansley, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Millett, Nass, Norton, Peoples, Perry, Pingree, Pinkham, Plummer, Prescott, Rand, Rector, Richardson W, Rines, Robinson, Samson, Savage, Saviello, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thomas, Tibbetts, Trinward, Valentino, Vaughan, Walker, Weaver, Weddell, Mr. Speaker.

NAY - Annis, Babbidge, Berry, Brautigam, Briggs, Bryant, Burns, Carey, Carter, Casavant, Cleary, Cray, Driscoll, Duchesne, Eaton, Eberle, Finch, Gerzofsky, Grose, Hanley S, Hill, Hinck, Jackson, Jacobsen, Jones, Koffman, Lundeen, MacDonald, McLeod, Miller, Mills, Miramant, Patrick, Pendleton, Percy, Pieh, Pilon, Piotti, Priest, Richardson D, Sarty, Schatz, Smith N, Sutherland, Treat, Tuttle, Wagner, Watson, Webster, Wheeler.

ABSENT - Connor, Conover, Fischer, Fisher, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Thibodeau, Woodbury.

Yes, 89; No, 50; Absent, 12; Excused, 0.

89 having voted in the affirmative and 50 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-991) to Committee Amendment "A" (H-913) was INDEFINITELY POSTPONED.**

Representative JACKSON of Allagash **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-913).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-913). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 382

YEA - Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Burns, Cain, Campbell, Canavan, Carey, Cebra, Chase, Cotta, Craven, Crockett, Crosthwaite, Curtis, Dill, Dunn, Duprey, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Haskell, Hayes, Hill, Hogan, Johnson, Joy, Kaenrath, Knight, Lansley, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Millett, Nass, Norton, Peoples, Percy, Perry, Pingree, Pinkham, Plummer, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Samson, Savage, Saviello, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy,

Theriault, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Walker, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Adams, Annis, Babbidge, Berry, Blanchette, Briggs, Bryant, Carter, Casavant, Clark, Cleary, Cray, Driscoll, Duchesne, Eaton, Eberle, Gerzofsky, Grose, Hanley S, Hinck, Jackson, Jacobsen, Jones, Koffman, Lundeen, MacDonald, McLeod, Miller, Mills, Miramant, Patrick, Pendleton, Pieh, Pilon, Piotti, Richardson D, Sarty, Schatz, Sutherland, Treat, Wagner, Watson, Wheeler.

ABSENT - Connor, Conover, Emery, Fisher, Harlow, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Thibodeau, Woodbury.
Yes, 95; No, 43; Absent, 13; Excused, 0.

95 having voted in the affirmative and 43 voted in the negative, with 13 being absent, and accordingly **Committee Amendment "A" (H-913)** was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-913)** in concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-979) - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Remove Impediments to Changing County Government Fiscal Years" (H.P. 1660) (L.D. 2302)

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-979)** was **READ** by the Clerk.

Representative **BARSTOW** of Gorham **PRESENTED House Amendment "A" (H-995)** to **Committee Amendment "A" (H-979)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-979) as **Amended by House Amendment "A" (H-995)** 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-979) as Amended by House Amendment "A" (H-995)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative **TARDY** of Newport, the House **RECONSIDERED** its action whereby the House voted to **ADHERE** on Bill "An Act To Reduce the Income Tax" (S.P. 303) (L.D. 952)

Representative **TARDY** of Newport moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 383

YEA - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood,

Gifford, Giles, Gould, Greeley, Hamper, Hayes, Jackson, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thomas, Tibbetts, Vaughan, Walker, Weaver.

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

ABSENT - Connor, Conover, Fisher, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Thibodeau, Woodbury.

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

60 having voted in the affirmative and 80 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

On motion of Representative **TARDY** of Newport, the House **RECONSIDERED** its action whereby the House voted to **RECEDE AND CONCUR** on Resolve, Authorizing the State Tax Assessor To Sell 2 Certain Parcels of Land in the Unorganized Territory (H.P. 1583) (L.D. 2217)

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This may not be necessary, but I just want to remind you that this is one of the two parcels of land we discussed a couple of days ago. This particular one, the bill, or the amendment attached by the other body which we are considering now, would sell to the person who did not redeem, who did not bid in the auction process, but would sell that parcel back to him for \$558.89. You recall, we decided as a body that that was inappropriate last time, the other body disagreed with us, so I would encourage you to vote red on this Recede and Concur motion. Thank you.

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

ROLL CALL NO. 384

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Cleary, Craven, Crockett, Dill, Driscoll, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, McFadden, Miller, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Piotti, Priest, Samson, Saviello, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat,

Trinward, Tuttle, Valentino, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berube, Bliss, Boland, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Dunn, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McKane, McLeod, Millett, Nass, Perry, Pilon, Pinkham, Plummer, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Sarty, Savage, Silsby, Strang Burgess, Sykes, Tardy, Thomas, Tibbetts, Vaughan, Wagner, Walker, Watson, Weaver.

ABSENT - Connor, Conover, Fisher, Lewin, Moore, Muse, Norton, Pineau, Pratt, Rosen, Thibodeau, Woodbury.

Yes, 71; No, 68; Absent, 12; Excused, 0.

71 having voted in the affirmative and 68 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ENACTORS

Emergency Measure

An Act Regarding Flavored Cigarettes and Cigars
(H.P. 1676) (L.D. 2316)

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 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities

(H.P. 1417) (L.D. 2033)
(H. "A" H-975 to C. "A" H-890)

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. 124 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Requiring Long-range Budget Planning
(H.P. 998) (L.D. 1424)
(C. "A" H-993)

An Act To Ensure Legislative Review of Fire Sprinkler Rules
(S.P. 775) (L.D. 1981)
(S. "A" S-592 to C. "A" S-471)

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)
(H. "A" H-976 and S. "B" S-560 to C. "A" H-818)

An Act To Amend Certain Laws Related to Environmental Protection
(S.P. 809) (L.D. 2119)
(H. "A" H-987 to C. "A" S-482)

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance
(H.P. 1597) (L.D. 2236)
(C. "B" H-962)

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.

Resolves

Resolve, To Support the Inclusion of Labor Education at Maine Public Institutions of Higher Education
(H.P. 115) (L.D. 123)
(H. "B" H-964 to C. "C" H-908)

Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry
(S.P. 860) (L.D. 2228)
(H. "A" H-981 to C. "A" S-522)

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

An Act To Protect Consumers' Gift Card Interests
(H.P. 1551) (L.D. 2181)
(C. "A" H-940)

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

On motion of Representative BERUBE of Lisbon, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: 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. 385

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Clark, Cleary, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Flood, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Mazurek, McFadden, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, McDonough, McKane, McLeod, Nass, Prescott, Rector, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Tardy, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Connor, Conover, Fischer, Fisher, Lewin, Marley, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 92; No, 45; Absent, 14; Excused, 0.

92 having voted in the affirmative and 45 voted in the negative, with 14 being absent, and accordingly the Bill was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend Motor Vehicle Laws

(H.P. 1459) (L.D. 2075)
(C. "A" H-913)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Really quickly, if you want to lay off a couple of biologists in the Department of Conservation and Inland, Fisheries and Wildlife, if you want to go against every environmental group in Maine and every sporting group in Maine, if you want to vote against the lobstermen, if you want to vote against scholarships for the University of Maine System and if you want to vote against our Troops, please vote green to Enact this; in not, vote red.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to give this one more try. I, also, am going to support Representative Jackson on this and, really, it is a process question. The difference between getting mugged and getting your pocket picked: Either way you lose your wallet, but at least when you are getting mugged, you are fully engaged in the process, and I think maybe the process let us down a little in this bill, so I will be going red. Thank you.

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 will be voting with the good Representative from the Allagash. I think he probably gave his best and most concise speech, he was clear; his content was great, so I will be voting with my good colleague from the Allagash. Thank you.

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

ROLL CALL NO. 386

YEA - Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Cain, Campbell, Canavan, Carey, Cebra, Chase, Cotta, Crockett, Crosthwaite, Curtis, Dunn, Duprey, Edgcomb, Emery, Farrington, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Harlow, Haskell, Hayes, Hill, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Millett, Nass, Norton, Peoples, Percy, Perry, Pingree, Pinkham, Plummer, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Samson, Savage, Silsby, Sirois, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Walker, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Adams, Annis, Babbidge, Briggs, Bryant, Burns, Carter, Casavant, Clark, Cleary, Cray, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Finch, Grose, Hanley S, Hinck, Jackson, Koffman, Lundeen, MacDonald, McLeod, Miller, Mills, Miramant, Patrick, Pendleton, Pieh, Pilon, Piotti, Richardson D, Sarty, Saviello, Schatz, Simpson, Smith N, Sutherland, Treat, Wagner, Watson, Wheeler.

ABSENT - Connor, Conover, Craven, Dill, Fisher, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 93; No, 44; Absent, 14; Excused, 0.

93 having voted in the affirmative and 44 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-983) - Minority (4) Ought to Pass as Amended by Committee Amendment "B" (H-984) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Establish a Uniform Building and Energy Code"

(H.P. 1619) (L.D. 2257)

Which was **TABLED** by Representative PINGREE of North Haven pending the motion of Representative SMITH of Monmouth to **ACCEPT** the Majority **Ought to Pass as Amended Report**. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith. Having spoken twice on this issue, earlier in today's session, she now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly before we go to vote on this, I want to explain, apologize for the confusion. There is an amendment to deal with this issues that we discussed. I thought it made sense to Table it then, that doesn't make sense. We will get in through the First Reading, and then we are going to take care of it at that point and have the amendment come after that. So I encourage you to vote for the pending motion knowing that the amendment is coming, but to keep things moving in a timely fashion, we are moving in now. Thank you and, again, I apologize for the confusion.

The **SPEAKER**: A roll call having previously 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. 387

YEA - Adams, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Cleary, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Priest, Rand, Richardson W, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Dill, Duprey, Edgcomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Robinson, Sarty, Savage, Saviello, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Barstow, Connor, Conover, Craven, Fisher, Lewin, Moore, Muse, Patrick, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 78; No, 58; Absent, 15; Excused, 0.

78 having voted in the affirmative and 58 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-983)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-983)** and later today assigned.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment 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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-978)** - Minority (5) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 756) (L.D. 1038)

TABLED - April 10, 2008 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

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

The **SPEAKER**: 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. 388

YEA - Adams, Babbidge, Barstow, Beaudette, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Gerzofsky, Grose, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Prescott, Priest, Rand, Richardson W, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Dill, Duprey, Edgcomb, Emery, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Rector, Richardson D, Robinson, Sarty, Savage, Saviello, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Beaudoin, Connor, Conover, Fisher, Haskell, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

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

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-978)** was **READ** by the Clerk.

Representative SAMSON of Auburn **PRESENTED House Amendment "A" (H-997)** to **Committee Amendment "A" (H-978)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-978) as Amended by House Amendment "A" (H-997) 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-978) as Amended by House Amendment "A" (H-997)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development (EMERGENCY)

(S.P. 908) (L.D. 2283)

(C. "A" S-581)

TABLED - April 10, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - PASSAGE TO BE ENACTED.

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. A question has arisen concerning the definition of generating facilities in this legislation. To be clear, the use of the words "transmission lines", in Subsection 5 of Section 3451, in Chapter 34-A, is intended to describe the lines that collect power from the turbines, the collector lines, to be transmitted to the substations and/or generator leads of a wind energy development. The words "transmission lines," in that definition, are not intended to describe the lines that carry power long distances at high voltage to load centers. Thank you, Mr. Speaker.

Representative **MACDONALD** of Boothbay **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**

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

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

ROLL CALL NO. 389

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant,

Cebra, Chase, Clark, Cleary, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - NONE.

ABSENT - Connor, Conover, Fisher, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Resolution: (S.P. 928)

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is estimated to directly affect approximately 7,000 adults and an unknown number of children and their numerous care providers in Maine each day, and Parkinson's disease is not just a disease affecting the elderly; and

WHEREAS, each Parkinson's disease patient requires in an average week an estimated 7 caregivers and, therefore, the number of people directly challenged by Parkinson's disease is about 50,000 each week in the State; and

WHEREAS, Parkinson's disease symptoms are not understood or well known by the general public, creating distress and danger in the lives of Parkinson's patients, especially in emergency rooms in the State's hospitals; and

WHEREAS, there is an urgent need to train, inform and educate public safety personnel, including those in charge of transportation in all of its forms, supervising personnel in State parks and public campgrounds, workers in emergency rooms, ambulance drivers and other emergency workers, police and fire prevention personnel, about Parkinson's disease; and

WHEREAS, there is also an urgent need to protect the lives of Parkinson's disease patients by training hospital emergency room personnel in the proper assessment of Parkinson's patients arriving at medical facilities; and

WHEREAS, there are only 2 movement disorder neurologists specializing in Parkinson's disease in Maine, which limits access for prospective patients and those 2 are in southern Maine, which is insufficient for the people in the rest of the State, who lack personnel trained in Parkinson's disease care; and

WHEREAS, the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all established as a central resource at the Maine Medical Center campus in Falmouth; and

WHEREAS, there exists a network of 12 Parkinson's Disease Support Groups statewide: the Capitol area, the Greater Bangor area, the Southern Maine area in Biddeford, the Blue Hill area,

Bath-Brunswick, Cape Elizabeth, Camden, Greater Portland, Lewiston, Oxford Hills in Norway, Westbrook and York; and a younger onset group in Brunswick and a Parkinson's Plus support group in South Portland; and

WHEREAS, April 11th is known globally as World Parkinson's Awareness Day and April is Parkinson's Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support for all efforts being made by the Parkinson's disease community to close the gaps in services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the MaineHealth Learning Resource Center.

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

READ and ADOPTED in concurrence.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To License Certified Professional Midwives"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** in the House on April 9, 2008.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-936)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Promote Filmmaking in the State"

(H.P. 1680) (L.D. 2319)

Sponsored by Representative MILLS of Farmington.

Cosponsored by Senator GOOLEY of Franklin and Representatives: PINGREE of North Haven, PIOTTI of Unity, SAVIELLO of Wilton, SIMPSON of Auburn, SMITH of Monmouth, Senators: MILLS of Somerset, PERRY of Penobscot.

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

Committee on **TAXATION** 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.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Representative CROSTHWAITE of Ellsworth inquired if a Quorum was present.

Representative PINGREE of North Haven **REQUESTED** a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Direct-to-consumer Wine Sales" (S.P. 781) (L.D. 1987)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

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 "A" (S-575)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**
READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

ENACTORS
Acts

An Act To Provide Access to Certain Medications to Certified Midwives

(H.P. 1616) (L.D. 2253)
(C. "B" H-936)

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

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

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 (10) **Ought to Pass as Amended by Committee Amendment "A" (S-561)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (S-562)** - Committee on **UTILITIES AND ENERGY** 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)

- 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-561).**

TABLED - April 8, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-561).

Representative BLISS of South Portland **PRESENTED House Amendment "A" (H-970) to Committee Amendment "A" (S-561)**, which was **READ** by the Clerk.

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. I think it is important that when somebody with clear knowledge of the subject matter sits in on part of a hearing and expresses some concern, that any committee of jurisdiction pay attention to that. That is precisely what happened in this case. The committee worked this bill. I have already talked to you about the three parts of the bill and the important reasons we think it ought to be passed, but the good Representative from Hallowell came to us and expressed some concern about some parts of the bill. The result of that was a telephone conference call that the good Representative from Hallowell had with my Co-Chair and I, with the Commissioner of DEP, the Chair of the Public Utilities Commission, representatives from the Governor's staff and several others. The result is this amendment that makes some significant improvements tot the bill by clarifying a variety of pieces that were a little bit murky. I urge you to pass this amendment and then go on with the rest of this bill. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-970) to Committee Amendment "A" (S-561).**

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

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, **House Amendment "A" (H-970) to Committee Amendment "A" (S-561)** was **ADOPTED.**

Representative ADAMS of Portland **PRESENTED House Amendment "B" (H-999) to Committee Amendment "A" (S-561)**, which was **READ** by the Clerk.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This presents a sunset provision to Part A of this bill—Part A only. Thank you, Mr. Chairman.

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. I just want to clarify that. I am supportive of this. Some of you may have heard something different, or received something that indicated something different, but as I have said to several of my colleagues all along today, this is not an amendment with which I object.

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. Let me be clear about this bill: This bill is an attempt to preempt federal authority. You accomplish this by setting up barriers in an intent to frustrate the ability.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry, and inquiries why he rises at this time.

Representative **BERRY**: Mr. Speaker. I rise on a Point of Order. I think that we are at this point debating an amendment that would merely implement a sunset provision on this bill.

On **POINT OF ORDER**, Representative **BERRY** of Bowdoinham asked the Chair if the remarks of Representative **THIBODEAU** of Winterport were germane to the pending question.

The SPEAKER: The Chair would answer in the affirmative. There would be a moment, Representative Thibodeau, in which this bill would be Passed to be Engrossed, and at that moment, a broader discussion could ensue. If you want to continue now, we need to talk specifically about House Amendment "B."

The Chair reminded Representative **THIBODEAU** of Winterport to stay as close as possible to the pending question.

Subsequently, **House Amendment "B" (H-999)** to **Committee Amendment "A" (S-561)** was **ADOPTED**.

Committee Amendment "A" (S-561) as Amended by House Amendment "A" (H-970) and House Amendment "B" (H-999) 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**.

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. First, I would like to thank Representative Berry for clearing up that issue. I certainly didn't want to speak out of order.

Let me help you understand this bill. This bill, Part A of this bill, is an attempt to preempt federal authority. This will be accomplished by setting up barriers in an attempt to frustrate the ability of the Federal Government to site transmission corridors. Should Maine be identified as a national corridor? These barriers are going to be disguised as state owned energy corridors. The Federal Government cannot site transmission across state owned lands.

Mr. Speaker, Ladies and Gentlemen of the House, I want to ask you a question. How long did you serve here in this House before somebody came up to you and engaged you in a conversation that went something like this: Corporate America,

they circumvent our laws, they game and manipulate the system in order to try to affect an outcome that is to their benefit? Ladies and Gentlemen, that is exactly what this bill is doing, and I believe that this is below the threshold of dignity that this institution should demonstrate to be engaged in this kind of activity. Should we be trying to preempt, should we be trying to circumvent federal law? I think not.

Ladies and Gentlemen, I think we can do much better than this. The supporters of this bill tell you that we cannot engage the Federal Energy Regulatory Commission because they are our enemy. Ladies and Gentlemen, I have never felt like the Federal Government was my enemy. We need to have open and frank dialogue with that organization, in order to engage them in a dialogue so that we can understand exactly what their intentions are and they can understand our intentions, in an effort to develop a plan that meets both federal needs and our state needs. Ladies and Gentlemen, we can do better than this and I would encourage you to consider carefully as you cast your vote. Thank you.

Representative **TARDY** of Newport **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: 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. 390

YEA - Babbidge, Barstow, Beaudette, Beaudoin, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Clark, Conover, Cotta, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Nass, Norton, Pendleton, Peoples, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Samson, Sarty, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Vaughan, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Beaulieu, Boland, Bryant, Chase, Cray, Curtis, Finley, Grose, Hamper, Jacobsen, Johnson, Knight, Lansley, Lewin, McKane, Miramant, Patrick, Pinkham, Plummer, Prescott, Robinson, Saviello, Thibodeau, Thomas, Tibbetts, Valentino, Walker, Weaver.

ABSENT - Cleary, Connor, Dunn, Emery, Fisher, Gifford, Joy, McFadden, McLeod, Moore, Muse, Percy, Pieh, Pineau, Rosen, Strang Burgess, Woodbury.

Yes, 102; No, 32; Absent, 17; Excused, 0.

102 having voted in the affirmative and 32 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-561) as Amended by House Amendment "A" (H-970) and House Amendment "B" (H-999)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-452)** on Bill "An Act To Ensure Fair Wages"

(S.P. 604) (L.D. 1697)

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York

Representatives:

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

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

Signed:

Senator:

DOW of Lincoln

Representatives:

THOMAS of Ripley
HAMPER of Oxford
JOHNSON of Greenville

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-452) AS AMENDED BY SENATE AMENDMENT "A" (S-570)** thereto **AND SENATE AMENDMENT "A" (S-587)**.

READ.

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

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Don't expect too long a debate on this because I have expected pretty much what the outcome is going to be, but I did want to say a few comments for the record. I can remember back in the 120th Legislature, us debating minimum wage increase—I think it was the first increase to get us away from the federal increase—and I remember both sides, it was a bipartisan agreement, and only seven people voted against it and I was one of those seven, and I do remember saying that if we open this door, you guys are going to try to increase it every single year. This will be the seventh increase in the last seven years, so I guess I was right with that debate.

I can only go by what I know personally and how this will affect it. As an employee, of course I would want more income; as an employer, of course I want my employees to make as much money as they want to make, but it should be up to me. You see, every time you force me to give somebody a raise that they may or may not deserve, I have to take that money away from somebody who does deserve that raise. You see, I have people that I would love to pay \$11 an hour to that I have to be \$9, because you forced me to pay \$7 to someone who deserves \$6. That is what happens when you try to level the playing field: the playing field becomes uneven.

From 2002 to 2005, in my old business, I used my Bush tax

cut money and I rapidly expanded my business, going from 5 employees to 60, creating a lot of jobs. I increase benefits every year: 401k with a 100 percent match, unheard of in the industry; paid holidays, sick time and paid family sick leave; health, dental, life, disability, vision insurance, have it all, but every 25 cent increase costs me \$25,000 year. So you are talking, this bill alone, will cost me \$50,000. With the high price of oil, parents cannot afford a raise in childcare rates. I have no choice, with this bills passage, and it almost makes me want to cry to have to tell my employees they are going to have to lose their health insurance over this increase, but I can't pass it on to the parents any longer. If you asked my employees, we polled every single one of them; I guarantee they would say they would rather make \$5 an hour and keep their health insurance, than make \$7.50 without it. Mr. Speaker, I ask for a roll call.

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

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

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Like my good friend from Hampden, I will try to be brief in my remarks today. I wanted to just explain what the amended version of the bill does, it substantially is different. The amendment reduces the increase in minimum wage proposed in the Majority, from \$7.35 per hour in 2008 and \$7.70 per hour in 2009, to \$7.25 an hour in 2008 and \$7.50 per hour in 2009. The amendment also eliminates the proposed for 2010, it eliminates the indexing that a lot of people had concerns with, so essentially we are raising the minimum wage by \$0.25 each year, in 2008 and 2009, starting in October 1st. The other amendment, by the good Senator Dow in the other body, removes the provisions regarding employees, remedies and provision that increase penalties for violation of minimum wage laws.

I think that minimum wage is still well below a livable wage in Maine, which is about \$10.20 an hour. A large number of low wage earners would benefit from this bill. Studies reveal that raises in minimum wage do not impact employment rates. Seventy-one percent of minimum wage earners are adults. The bill is, I think, morally and ethically sound. The cost of living is rising, as most of us know, faster than all of the income workers in Maine, particularly those of minimum wage. Full-time, minimum wage jobs, for a family of four, are nearly 30 percent below the poverty level. Most low wageworkers cannot or were not able to speak at the public hearing because they had to work, so I feel that we have to be their voice in Augusta. I would encourage you to support the Majority Report because I feel it is the right thing to do for Maine. Thank you, Mr. Speaker.

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

ROLL CALL NO. 391

YEA - Adams, Ayotte, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Casavant, Clark, Conover, Craven, Crockett, Dill, Driscoll, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeant, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Silsby, Simpson, Sirois,

Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Beaulieu, Berube, Browne W, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Jacobsen, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Bliss, Cleary, Connor, Dunn, Emery, Fisher, Gifford, Joy, McFadden, McLeod, Moore, Muse, Pieh, Pineau, Rosen, Woodbury.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-452)** was **READ** by the Clerk.

Senate Amendment "A" (S-570) to **Committee Amendment "A" (S-452)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-452) as Amended by **Senate Amendment "A" (S-570)** thereto was **ADOPTED**.

Senate Amendment "A" (S-587) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-452) as Amended by Senate Amendment "A" (S-570)** thereto and **Senate Amendment "A" (S-587)** in 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-594)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-595)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness"

(S.P. 147) (L.D. 446)

- 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-594)**.

TABLED - April 10, 2008 (Till Later Today) by Representative GERZOSKY of Brunswick.

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-594)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-594)** 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 (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-575)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine Sales"

(S.P. 781) (L.D. 1987)

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** sent for concurrence.

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

ENACTORS Acts

An Act To Amend Maine's Scallop Laws

(H.P. 1455) (L.D. 2071)

(S. "B" S-597 to C. "A" H-863; H. "A" H-889)

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

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

(C. "A" H-874; S. "A" S-574)

An Act To Establish a Railroad Crossing Information Council

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

(S. "A" S-600 to C. "A" S-549)

An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog"

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

(S. "A" S-598 to C. "A" H-943)

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.

Resolves

Resolve, Authorizing the State Tax Assessor To Sell a Certain Parcel of Land in the Unorganized Territory

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

(S. "A" S-583 to C. "A" H-946)

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

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 (10) **Ought to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-937)** - Committee on **TRANSPORTATION** 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)

TABLED - April 8, 2008 (Till Later Today) by Representative PEOPLES of Westbrook.

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

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

ROLL CALL NO. 392

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Clark, Craven, Crockett, Curtis, Dill, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Gerzofsky, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Rines, Samson, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Ayotte, Cebra, Cotta, Cray, Crosthwaite, Duprey, Edgecomb, Finley, Fitts, Flood, Greeley, Hamper, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Pinkham, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Sykes, Tardy, Vaughan, Weaver.

ABSENT - Annis, Berube, Bliss, Bryant, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Gifford, Gould, Jacobsen, Joy, McFadden, McLeod, Mills, Moore, Muse, Nass, Norton, Patrick, Pieh, Pineau, Rosen, Simpson, Thomas, Webster, Woodbury.

Yes, 91; No, 31; Absent, 29; Excused, 0.

91 having voted in the affirmative and 31 voted in the negative, with 29 being absent, and accordingly the Majority **Ought to Pass** 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 CEBRA of Naples **PRESENTED House Amendment "A" (H-966)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment that I place on this bill today provides for a legal presence requirement, in addition to the already accepted residency requirement. Legal presence would provide that our driver's licenses are more secure, that we would be able to determine whether or not someone was in the State of Maine and in the United States legally, and I would ask, Mr. Speaker, for a roll call.

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-966)**.

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 Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With great

respect, I disagree with my colleague from Naples. I should go back a second. LD 2304 came out of two bills last session; one by myself on residency, and one from the Representative from Vassalboro, Representative Browne. They basically got to the same end saying we really do have a problem in the State of Maine around the credential, and it primarily is around the residency piece. We are having people that come in the state inappropriately getting licenses, so we asked the stakeholders; we asked Representative Browne, who has been a very strong support of legal presence, has put bills in, I believe, in the past on that; advocates in the immigration community, other people who are very strong in the other direction also looked for legal presence, the Secretary State employees said go out as a stakeholders group and come back. They looked at the legal presence thing. They really felt that the best way that we could increase the confidence of our credential through this bill was the residency fees, so that is why we have moved forward with this. We are in a very strong bipartisan vote, I would say, also.

Additionally, the amendment that is before you is very prescriptive. I believe it is based on the Virginia legal presence law, and Virginia had a great deal of backlash from it because it was so prescriptive that it disallowed people who are absolutely citizens of the United States, citizens of Virginia, that they were unable to prove their legal presence. In one case, a World War II veteran who had discharge papers and 40 years of back taxes, I don't know what else makes you an American, couldn't provide his legal residence. They got into pieces of senior citizens, who, unfortunately, their vital records burned down with the Courthouse 40 years ago. I am asking you not to support this amendment. This is the first piece in what Homeland Security is asking for us to do. The Commissioner of Public Safety, I believe, as well as General Libby, serving as Homeland Security Advisor, said the residency piece fixes 98 percent of the problem. We have been downstairs and I apologize that you are at ease while we finish the other back part of that problem, but this is 98 percent of the fix and the concern around our credential. Please vote against this amendment and support the Majority Report. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-966). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 393

YEA - Austin, Ayotte, Babbidge, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

NAY - Adams, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Craven, Crockett, Dill, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Annis, Bliss, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Gifford, Joy, McFadden, McLeod, Moore, Muse, Norton, Pieh, Pineau, Rosen, Thomas, Woodbury.

Yes, 53; No, 78; Absent, 20; Excused, 0.

53 having voted in the affirmative and 78 voted in the negative, with 20 being absent, and accordingly **House Amendment "A" (H-966)** was **NOT ADOPTED**.

Representative MARLEY of Portland **PRESENTED House Amendment "B" (H-994)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is truly just an amendment that corrects a drafting error. In the original bill, it amends Subsection 12 and it should be Subsection 11, so it is simply a clarification of a technical error. Thank you very much.

Subsequently, **House Amendment "B" (H-994)** was **ADOPTED**.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994)** and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-937)** - Committee on **TRANSPORTATION** 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)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994)**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by House Amendment "B" (H-994)**.

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 by House Amendment "B" (H-994). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 394

YEA - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Cotta, Craven, Cray, Crockett, Curtis, Dill, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Nass, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Crosthwaite.

ABSENT - Annis, Bliss, Cebra, Clark, Cleary, Connor, Conover, Driscoll, Dunn, Emery, Fisher, Gerzofsky, Gifford, Joy, McFadden, McLeod, Moore, Muse, Norton, Pieh, Pineau, Rosen, Thomas, Woodbury.

Yes, 126; No, 1; Absent, 24; Excused, 0.

126 having voted in the affirmative and 1 voted in the negative, with 24 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-994)** and sent for concurrence.

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

Representative **PERCY**: Thank you, Mr. Speaker. In regards to Roll Call No. 296, LD 2009, I would like to be recorded as yea; Roll Call No. 310, LD 2144, I would like to be recorded as yea; LD 2255, Roll Call No. 390, I would like to be recorded as yea.

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

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

Representative **ADAMS**: Thank you, Mr. Speaker. Had I been present in the Chamber for Roll Call No. 349, on April 9, 2008, for House Paper 1672, I would have voted yes. Had I been present in the Chamber for Roll Call No. 366, on April 10, 2008, for LD 2265, I would have voted yes and wish that it would be so noted.

On motion of Representative PINGREE of North Haven, the House adjourned at 5:05 p.m., until 9:00 a.m., Monday, April 14, 2008 in honor and lasting tribute to Emil Landau, of Damariscotta.