

# 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  
9th Legislative Day  
Monday, April 14, 2008

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

Prayer by Reverend Ellen Cleaves, United Methodist Church, Limestone.

National Anthem by Biddeford High School Chamber Singers.  
Pledge of Allegiance.  
Doctor of the day, Carla Burkley, M.D., Auburn.

---

At this point, the Speaker recognized the Representative from Fryeburg, Representative MUSE, and she was added to the quorum call of the First Special Session of the 123rd Legislature.

---

The Journal of Friday, April 11, 2008 was read and approved.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 523)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 11, 2008

Hon. Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 24-A §6904, I am pleased to nominate the following individuals for appointment to the Board of Trustees of Dirigo Health:

Leo J. LaPlante of Scarborough

Marianne Ringel of Gardiner

Brian Noyes of Cumberland Foreside

If you have any questions regarding these nominations, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (S.C. 782)

**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 Business, Research and Economic Development, the nomination of Sheryl S. Gregory of Litchfield for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Faith (Nikki) McLean of Portland for appointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Cheri L. Walker of Falmouth for appointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Lisa S. Penney of New Gloucester for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Samantha M. Bragg of New Gloucester for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Rae Ann French of Augusta for appointment as an Active Retired District Court Judge.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (S.C. 783)

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

April 11, 2008

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Bill "An Act Regarding Lobbyist Disclosure" (S.P. 481) (L.D. 1393) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

---

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

---

**ORDERS**

On motion of Representative BRAUTIGAM of Falmouth, the following Joint Resolution: (H.P. 1679) (Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: CAIN of Orono, SAVAGE of Falmouth)

**JOINT RESOLUTION ENDORSING TAIWAN'S  
PARTICIPATION IN THE WORLD HEALTH ORGANIZATION**

WHEREAS, good health is essential to every citizen of the world, and access to health information and services of the highest standard is necessary to improve public health; and

WHEREAS, the World Health Organization set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all persons; and

WHEREAS, the achievements of Taiwan, the Republic of China, in the field of health are substantial, including having the

highest life expectancy levels in Asia, having maternal and infant mortality rates comparable to those of western countries, eradicating infectious diseases such as cholera, smallpox and the plague and being the first country in Asia to eradicate polio and provide children with Hepatitis B vaccinations; and

WHEREAS, Taiwan's population of 23.5 million is larger than that of 3/4 of the member states already in the World Health Organization; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the World Health Organization; and

WHEREAS, with the great potential of the cross-border spread of diseases, such as the human immunodeficiency virus, HIV; tuberculosis; malaria; severe acute respiratory syndrome, SARS, in 2002; and the recent outbreak of avian flu, it is crucial for all countries, including Taiwan, to have direct and unobstructed access to information and assistance from the World Health Organization in order to limit successfully the spread of various infectious diseases; and

WHEREAS, the European Parliament called on the World Health Assembly, in Geneva, Switzerland, to accept observer status for Taiwan and on its member states to support the application of Taiwan as an observer to the World Health Organization; and

WHEREAS, in 2002, the United States House of Representatives and the United States Senate authorized the Secretary of State to endorse observer status for Taiwan at the World Health Assembly, and the House repeated its endorsement in 2006; 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 commend Taiwan's efforts to improve world health and support its efforts to gain observer status at the World Health Organization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; to Michael O. Leavitt, Secretary of the United States Department of Health and Human Services; to Dr. Margaret Chan, Director-General of the World Health Organization in Geneva, Switzerland; and to K.T. Yang, Director-General of the Taipei Economic and Cultural Office in Boston, Massachusetts.

**READ and ADOPTED.**

Sent for concurrence.

---

#### SPECIAL SENTIMENT CALENDAR

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

##### Recognizing:

Brett Wickard, of Cumberland Foreside, entrepreneur and owner of Bull Moose record stores. Mr. Wickard opened his first Bull Moose record store in Brunswick when he was a junior at Bowdoin College. He now owns 10 stores and employs over 100 people. Bull Moose started as a makeshift store carrying only a few records and is now the largest music, movie and video game retailer in Maine and seacoast New Hampshire. On April 19th Mr. Wickard will join other independent music, movie and video game store owners to celebrate Record Store Day, a national event that originated in Portland, Maine. We acknowledge the

independent work ethic, spirit and entrepreneurship of Mr. Wickard and wish him continued success in the future;

(HLS 1214)

Presented by Representative EBERLE of South Portland. Cosponsored by Senator TURNER of Cumberland, Representative STRANG BURGESS of Cumberland.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

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

---

#### In Memory of:

Jane Webber Stevens, of Popham Beach, Phippsburg, a noted author, historian, artist, storyteller and photographer. Born in Bath, Ms. Stevens was a graduate of Morse High School. During World War II, she documented the unique shipbuilding methods used by Bath Iron Works with her photography. She worked as a photographic colorist during the 1940s. She worked in the local circulation office of the *Portland Press Herald* and then from 1957 to 1961 she was a reporter for the *Bath Daily Times*. The Stevens family has a history of public service; Ms. Stevens' father and mother both served as Sagadahoc County Registrar of Deeds, and Ms. Stevens succeeded her mother as the Registrar in 1975. Upon her retirement in 1983, she moved to her beloved Popham Beach home, "Hossketch." She became Popham Beach's unofficial historian, and her home was the focal point for the archaeological dig of the original Popham Colony of Fort George. Ms. Stevens also authored the book *One Man's World: Popham Beach, Maine* in 1974. During last summer's 400th anniversary celebration of the Popham Colony, Ms. Stevens was named "Mayor of Popham Beach" and presented with the ceremonial Key to the Village. Ms. Stevens will be greatly missed and long remembered by her loving family, her many friends and the community that she served for so long;

(HLS 1226)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Senator BENOIT of Sagadahoc.

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

**READ and ADOPTED** and sent for concurrence.

---

#### CONSENT CALENDAR

##### First Day

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

(H.P. 61) (L.D. 63) Bill "An Act To Increase Access to After-school Programs" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1002)**

(H.P. 249) (L.D. 305) Bill "An Act To Increase the Availability of Cellular Telephone Service for Rural Residents" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1001)**

(H.P. 1627) (L.D. 2264) Bill "An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1004)**

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

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, April 11, 2008, 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 (7) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

(S.P. 611) (L.D. 1744)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

**TABLED** - April 4, 2008 (Till Later Today) by Representative PATRICK of Rumford.

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

Subsequently, on motion of Representative PATRICK of Rumford, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Report of the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine" (S.P. 929) (L.D. 2320)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 873.

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

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

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 824) (L.D. 2156) Bill "An Act To Amend the Laws Governing Marine Resources" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-615)**

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

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

(S.P. 914) (L.D. 2293) Resolve, To Prohibit In-person Absentee Voting on November 3, 2008 Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-616)**

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

The Unanimous Committee Report was **READ** and **ACCEPTED.**

The Resolve was **READ ONCE.** **Committee Amendment "A" (S-616)** was **READ** by the Clerk and **ADOPTED**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-616)** in concurrence. **ORDERED SENT FORTHWITH.**

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, April 11, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Establish a Uniform Building and Energy Code"

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

**TABLED** - April 11, 2008 (Till Later Today) by Representative PINGREE of North Haven.

**PENDING** - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-983).**

Representative SMITH of Monmouth **PRESENTED House Amendment "B" (H-1005)** to **Committee Amendment "A" (H-983)**, which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-983)** as **Amended by House Amendment "B" (H-1005)** 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-983)** as **Amended by House Amendment "B" (H-1005)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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.

**ENACTORS**

**Acts**

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

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

(C. "A" S-594)

An Act To Ensure Fair Wages

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

(S. "A" S-570 to C. "A" S-452; S. "A" S-587)

An Act To Make Capital Rail Improvements for Economic Development Purposes

(H.P. 1403) (L.D. 2019)  
(C. "A" H-906)

An Act To Promote Municipal Wind Generation Development  
(S.P. 893) (L.D. 2266)  
(H. "A" H-986 to C. "A" S-579)

An Act To Remove Impediments to Changing County Government Fiscal Years

(H.P. 1660) (L.D. 2302)  
(H. "A" H-995 to C. "A" H-979)

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, Regarding the Operations of the Greater Portland Public Development Commission

(H.P. 1556) (L.D. 2186)  
(C. "A" H-809; H. "A" H-969)

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

**SENATE PAPERS**

Bill "An Act To Restore Benefits under the Circuitbreaker Program"

(S.P. 921) (L.D. 2305)

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

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-617)**.

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

**Senate Amendment "A" (S-617) READ** by the Clerk and **ADOPTED**.

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 as Amended by Senate Amendment "A" (S-617)** in concurrence.

**Non-Concurrent Matter**

Bill "An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901)** in the House on April 7, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY SENATE AMENDMENT "A" (S-612)** thereto in **NON-CONCURRENCE**.

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

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. The other amendment put an amendment on this bill. This has to do with the daycare union bill, and I had tried to put an amendment last week to keep youth daycares from having to be forced to pay union dues if they

are not a member of the bargaining unit. What this amendment does is kind of the same thing, except it carves out one specific group, in one specific Senator's district, thus allowing people to benefit from being part of the union without having to pay union dues, and what is good for one should be good for all, so we shouldn't stand for carving out one special group at the expense of all of the other groups. So I ask for a roll call, and I respectfully request that you vote red.

Representative DUPREY of Hampden **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 Sanford, Representative Tuttle.

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do agree with the comments of the good Representative from Hampden, Representative Duprey, but feel this issue is important enough to move forward to give family childcare providers a voice in determining the quality of the childcare in our state, so I would encourage your support, the motion to Recede and Concur.

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. 395**

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

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

ABSENT - Barstow, Berube, Blanchette, Emery, Greeley, Lundeen, Mills, Moore, Percy, Perry, Pineau, Piotti, Weddell.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 785) (L.D. 1991) Bill "An Act To Ensure Continued Operation of the Poison Hotline" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-619)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended as Amended by Committee Amendment "A" (S-619)** in concurrence. **ORDERED SENT FORTHWITH**

(S.P. 914) (L.D. 2293)  
(C. "A" S-616)

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

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Public Law**

Report of the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act Regarding the Maine Economic Development Evaluation"

(S.P. 926) (L.D. 2317)

Reporting **Ought to Pass** pursuant to Public Law 2007, chapter 434, section 9.

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

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938)** in the House on April 8, 2008.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY SENATE AMENDMENT "A" (S-601)** thereto in **NON-CONCURRENCE**.

On motion of Representative **PINGREE** of North Haven, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**ENACTORS**

**Acts**

An Act To Amend the Laws Governing Marine Resources

(S.P. 824) (L.D. 2156)

(C. "A" S-615)

An Act To Stimulate Capital Investment for Innovative Businesses in Maine

(S.P. 929) (L.D. 2320)

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 Improve the Absentee Voting System on November 3, 2008

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 11, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

(H.P. 1336) (L.D. 1902)

**TABLED** - April 7, 2008 (Till Later Today) by Representative **HANLEY** of Gardiner.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-941)** was **READ** by the Clerk.

Representative **GERZOFKY** of Brunswick **PRESENTED House Amendment "A" (H-1007) to Committee Amendment "B" (H-941)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "B" (H-941) as Amended by House Amendment "A" (H-1007)** 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 "B" (H-941) as Amended by House Amendment "A" (H-1007)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Protect Inland Water Access"

(H.P. 1294) (L.D. 1858)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)** on February 28, 2008.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689) AS AMENDED BY SENATE AMENDMENT "A" (S-463)** thereto in **NON-CONCURRENCE**.

**TABLED** - April 4, 2008 (Till Later Today) by Representative **PIEH** of Bremen.

**PENDING - FURTHER CONSIDERATION.**

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

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to encourage you to vote against the pending motion. This was originally a bill that would require public hearings for either expansion or restrictions on our inland waters in the way, in which, a majority of the Inland, Fisheries and Wildlife Committee and the Agriculture Committee voted for. The amendment that we are looking at now would strip off the requirement that there be a public hearing for expansion,

and this would mean that there would be no public involvement in any kind of motion, there would be no public hearing formally required for any expansion of our inland waters. We have a very fragile resource in our lakes. We have 26 lakes in the State of Maine that are already infested with variable milfoil. If we are not careful about expansions and more access to these bodies of water, we risk losing these bodies of water to all kinds of invasives. It was the wish of the Committee to make sure that we had public involvement and public hearings for both restriction and access. The Department of Conservation is very much in the business of creating public access; they are not in the business of trying to reduce it. Public involvement is important for both expansion and restriction, so I ask you to vote against the pending motion so that we can ensure that the public voice is heard if we are looking at expanding access to Maine's lakes.

Representative PIEH of Bremen **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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Ladies and Gentlemen, this was a bill that I put in to the Inland, Fisheries and Wildlife Committee a session ago, and it a bill that is certainly important and important to me. When we had the committee hearings, Representative Eberle brought up the fact of expansion. When I brought in the original bill, I was only thinking about access points getting closed down by the state without any public hearing or any public notice or anything like that, and Representative Eberle brought up a good point about expansion, any new ones. The majority of the Committee agreed. I believe, most likely, that a majority of the Committee would have passed the original bill, but we did agree to add expansion onto the bill.

When it went to the other body, there was a fiscal note on it. That probably meant that it was going to die on the Appropriations' table. The other body stripped the expansion part off the bill. The thought was, or at least from the fiscal department, that the state doesn't want to close any existing access point; therefore, it is not going to cost anything, but they might possibly want to expand in the future so there is going to be a fiscal note on it. Now that is what the other body did, that is not what the Committee did. But at this point, I really want at least the closing of any current access points, I don't think it is fair that anywhere in the state, if somebody has been going there and using an access point for years and years, if they just show up one day and it is closed off without any public notice. I do think that there might be times when IFW or Conservation would want to shut down a place, but at least let the public know and have a chance to speak about it before you close it down. And that is what this bill would hope to do.

Now I had it happen twice in my district, and people get very, very upset about it when they have loaded up their boat or canoe and drove up in the woods somewhere and come to find out they can't get to that access site they have been using for years. All this bill would do is say that you must have a public hearing somewhere in the vicinity of the access site, the closest possible place, so that people that are going to be affected by it have a chance to go and voice their concerns.

With the expansion issue, I don't feel it is quite the same even though I agreed to have it on the bill because if you are going to expand, if you are going to put a new access site in somewhere, there is going to be a DEP permitting process, there is going to be a whole other step there that the public is going to have a chance to put their two cents in. But when they close one of

these, and they say that they don't close them, but when they do close one of these it has been the experience that there is no word, it just happens, and I just don't think that that is something the public should have to find out about without having a chance to say anything on it. You know, I did try. I was willing to have expansion onto the bill; what the other body did, the other body did and I can't help it. At this point, I would like to keep the original bill, and I certainly would hope that the body would vote for the Recede and Concur. Thank you, Mr. Speaker.

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

Representative **EBERLE**: Thank you, Mr. Speaker. I would reiterate, the two instances the good Representative from Allagash cites, if there was a closure that happened without a public hearing, that is regrettable. The standard that all agencies go by is to have public notice or public hearing on any expansion or restriction on its public waters, and if it is fair and want to make sure that our voices are heard if we are going to restrict any access, then if you vote in favor of to Recede and Concur, it takes away all capability of having a public hearing for an expansion. This expansion would be very, very important in protecting our lakes from invasives and milfoil. So if it is true that we need public involvement, then the same standards should apply for both restriction and expansion. Again, I ask you to vote against the motion to Recede and Concur. Thank you.

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. This was a jointly referred bill to Agriculture, Conservation and Forestry, and Inland, Fisheries and Wildlife. I happen to be on the side that did not prevail and it was to actually not pass the bill, and my reason for that was that they are already required to do public notice and to hold hearings and to make sure that the public is aware of what happened. The two instances that, I believe were being cited, one was on the Allagash and that came out of something called the River Drivers Agreement. It was number four on the River Drivers Agreement that was signed by, amongst others, the Representative from Allagash, Representative Jackson, agreeing that they were recommending closing that and that was done. The other was the dam that was rebuilt, and they had reconfigured the access around that. I can get more details, if need be, but from what I can understand, there is already a strong policy and a requirement to do public notice and I didn't see the need to do a public hearing. And if we were going to move forward, I would like to move forward on all aspects as opposed to just half of it, so I will be voting against the Recede and Concur. Thank you very much.

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. 396**

**YEA** - Ayotte, Berube, Blanchard, Browne W, Bryant, Campbell, Carter, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Duprey, Faircloth, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Hill, Jackson, Joy, Lansley, Marean, Marley, Mazurek, McDonough, Millett, Mills, Patrick, Richardson D, Robinson, Samson, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tuttle, Valentino, Vaughan, Walker, Wheeler, Mr. Speaker.

**NAY** - Adams, Annis, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Bliss, Boland, Brautigam, Briggs, Burns, Cain, Canavan, Carey, Casavant, Cebra, Connor, Conover, Craven, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Farrington, Finley, Fisher, Gifford, Gould, Grose,



Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lewin, MacDonald, Makas, McFadden, McKane, McLeod, Miller, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Pieh, Pilon, Pingree, Pinkham, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Tibbetts, Treat, Trinward, Wagner, Watson, Weaver, Webster, Woodbury.

ABSENT - Barstow, Blanchette, Emery, Greeley, Lundeen, Moore, Percy, Perry, Pineau, Piotti, Weddell.

Yes, 50; No, 90; Absent, 11; Excused, 0.

50 having voted in the affirmative and 90 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative EBERLE of South Portland, the House voted to **INSIST**. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-666)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Lower the Cost of Health Insurance"

(H.P. 765) (L.D. 1047)

TABLED - February 5, 2008 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I see my friend over there getting wired up for this debate, I want to be able to hear every word he has to say.

Mr. Speaker, Men and Women of the House, I am happy rise to discuss LD 1047, and before I get into some of the reasons why the Committee voted the way we did on this bill, I would like to thank the Representative from Durham, Representative Vaughan, for his advocacy, for this thoughtfulness, for his hard work on this issue over, not just this session, but a number of sessions. He certainly is very sincere, he is always the last person out of the Committee, he is always reading through a pile of materials, and he has worked very, very hard on it. He has contributed a lot to our discussions. Nonetheless, those of us on the Committee felt this bill was not the right direction for us to be taking to address the acknowledged problem of affordability and access in the individual and, in this case, a small group, insurance markets. We felt it just went too far and the harms that it risked would be too great.

What the bill does, it would establish a high-risk pool, modeled after on in the State of Mississippi. It would eliminate an innovation that we have, not fully exploited in Maine, but the establishment of standard, comparable plans, so consumers might be able to make a reasoned comparison between different insurance options. It would eliminate standard plans; it would eliminate community rating and individual market, so we have had a lot of discussion about rating bands lately and this would completely, just simply eliminate them. It would eliminate guaranteed issue in the individual market, in exchange for guaranteed access to a high-risk pool. Those people in the high-

risk pool, instead of having all of the options available for guaranteed issue would have only two coverage options. The bill would repeal the state health plan, which I think has been extremely important to help establish a direction, and I have some analysis that will help us in the long-term effort of bringing every dollar we can out of our healthcare system. And this bill would repeal the state health plan; it would repeal the certificate of need system. Basically, it would move us in the direction of less oversight of our insurance premiums by the Bureau of Insurance, at a time when we have recently seen the value of that oversight in returning money to consumers. It would reduce geographic access standards that make sure that people around the state have access to healthcare nearby, not too far away from their homes. There is a concern in the Bureau of Insurance that it actually might want to file a federal law, which requires a guaranteed continuity of coverage in the small group market, that is a requirement of federal HIPAA law, and they have voiced an opinion, our Bureau of Insurance, that LD 1047 may violate that provision. So there is a whole package of different reasons of why we stumbled on this particular approach: We felt it went too far, felt it risked harm to people in the market, and there are other ways to do market reforms that are a little gentler and will move us in the same direction, so I hope you will follow my light on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Of course, if I was faced with all of those facts, I probably wouldn't support this myself. Certain opponents of health insurance reform have implied that in the intended goals of LD 1047, which are lowering the cost of health insurance, expanding coverage, are unlikely, and the chances of doing real harm to the state are great. Actually, the harm has long since been done. The reforms in 1993 destroyed the health insurance industry and threw premiums into the incredible death spiral we are witnessing today. The 1993 legislation drove around 12 companies out of the state and basically created a monopoly. Notice that your car or homeowners rates are not out of line with other states; in fact, they might be lower. That is because we haven't destroyed those markets. Since Maine has the second highest health insurance premiums in the US, how much worse can it get? I appreciate the recognition for good intentions, but I disagree with the assertion that success is unlikely. These principles are working in many other states, some of which never created the problem in the first place.

Opponents to these reforms have made the following points: LD 1047, it essentially regulates health insurance. That is true, but it is in fact a good thing. It repeals guaranteed issue that doesn't allow insurance companies to drop sick clients and change willy fluctuating premiums. That is somewhat of a convoluted statement. Let's get our terms and facts straight: Guaranteed issue means an insurer must sell to anyone, regardless of how sick they are. At these rates, the second highest in the US, healthy people tend not to buy coverage. A chronic care pool, which is only used when you first buy insurance for the first time, accepts otherwise uninsurable clients; that is 1 percent of the buying public and massively lowers rates for people who are generally healthy, the 99 percent of the buying public. A chronic care pool should be called guaranteed universal access. Guaranteed renewability means the insurance company cannot drop you, regardless of your health condition. No one is even suggesting that they change, no one will be dropped. Opponents have said older patients, when of childbearing age, and people with chronic health conditions could

be denied coverage altogether or charged premium out of line with what their neighbors pay. No one is denied coverage; however, there would be a variety of rate structures. No one, even the chronic care people would likely pay the exuberant rates we now have under our current structure that everyone pays. It is also incorrectly stated that the chronic care pool would need to be subsidized by the federal and state government; that simply is not true. Although there is federal government funding available to start up the chronic care pool, the model we propose is funded by the insurance companies and they are required to participate. Government funding would both cost tax dollars and be subject to the whim of the Legislature, especially in times of budget crisis, like right now. To those who would say experience in other states with such pools shows limited success, I simply reply their premiums are all much lower than ours.

Another misguided assertion: Enrollment rates are low, costs are high and the plans tend to attract only the sickest of the sick. That is the way it is supposed to be and that is what it is for, generally about 1 percent of the individual market, somewhere between 500 and 1,000 people. A certain anti-reform lobbying group stated reports from Washington State show that because of high premiums, only one in every seven of those eligible signs up. Their risk pool premiums may be similar in cost to our standard premiums, maybe even lower. How many low risk Mainers are going without insurance now in our current market for the very same reason? High cost is not a rational argument.

Another recurring argument: The number of enrollees in Washington is only about 2,800. Maine experimented with chronic care pools from '88 until '94 and never had more than 500 participants. The risk pool is meant to handle only the upper extremes of those with chronic diseases. High cost consumers are those with preexisting conditions, comprising about 1 percent of the total market. The risk pool of '88 through '94 was doing its job. Unfortunately, the Legislature was in charge of the purse strings and decided to close it down.

The opposition, further, has stated the pools have not reduced the number of uninsured or expanded care. I disagree and I can prove it. Guaranteed issue, on the other hand, has seriously increased the number of insured due to the increased premium rates; compared to today, we were in pretty good shape in 1993. Many people are right to get out of the risk pool after showing a good faith effort, for example, in maintaining their doctor's advice on blood pressure medication. There is the incentive of premiums to get them back into their regular insurance pool. No one insured in the lower rate classification is forced to enter into the chronic care pool or any other high rate class.

Here is another false implication: The legislation would put mandates on insurance coverage, such as mental health parity, minimum maternity stays, prostate cancer screening. LD 1047 removes no mandates expect guaranteed issuance. In fact, we know that all of Maine's mandates provide a valuable service at helping provide preventative care in holding overall costs down, as opposed to special items. All of Maine's benefit mandates add a total of only 3.3 percent to the premiums. If we can cut our premiums in half, who cares about 3.3 percent for a superior program?

I have also heard that 1047 would move Maine in the wrong direction on health care, undermine important consumer protections, and do little to control costs. Unless you choose to ignore most of the United States, which has better health insurance for a fraction of the cost, except the rest of New England, I would have to disagree with all of these statements. In fact, states have been progressively repealing guarantee issue and in acting chronic care pool and risk pools. As a result, they

have been seeing a return of competition, better coverage, and lower rates. Ladies and Gentlemen, if you want to cut the cost of Maine's health insurance in half, if you want to improve Maine's business and job climate, if you want to do a better service for your constituents which you could possibly imagine as their Representative, then I would ask you to oppose the pending motion and support the Minority Report, LD 1047. Thank you, Ladies and Gentlemen of the House, I urge you to support the Minority Report.

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

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am rising in opposition the Majority Ought Not to Pass, and I am promoting the Minority Report.

Ridiculous premiums that we have right now, the high costs, are not the result of greedy insurance costs. If profits were so rampant, then why have most of the insurance companies left the state? That is not the reason for the high cost of our premiums. The cause is a terminal symptom caused by a death spiral documented by the Maine Bureau of Insurance, caused by well-intentioned laws that were passed in the Legislature in the mid 90's. These laws put in place guaranteed issue and an extremely narrow community rating band. Time showed those laws simply have not worked. In fact, what we have experienced, as a result of those laws, are nearly 60,000 folks with individual policies that have dropped coverage right here in Maine, an exodus of insurers that prevents competitive marketing, and sky rocking premiums. In fact, I am going to tell you a story: Bob Foley, who is an insurance gentleman who works for Cole Harrison, recently his company hired another agent from New Hampshire. The woman came up, they settled with their pay and everything, and then they realized they had to deal with the health insurance. Now, the same coverage for this woman and her family in New Hampshire, and compared to Maine, cost Bob Foley and this insurance company \$7,000 more a year—the same coverage. In New Hampshire it was \$7,000 less; why because we don't have the competitiveness that we need for free market in the health care costs. The other policies and laws that we have passed since then have been experiments that, again, have simply not worked and have cost the state millions of dollars. If you are tired of the expensive experiments that we have been going through and you really want the substantial reductions in your premiums, then I suggest you vote no on the pending motion and support the Minority Report. Thank you.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had written down some very nice notes on this and I can't, of course, find any of them, so I am going to be winging it here. The only thing I would say that Representative Vaughan has worked extremely hard on this, I think he has written a very, very good bill. Most of us here know, if not all of us know, that insurance rates are very high in Maine and we have been going in one direction now for probably over 10 years and rates are not going down. This bill takes us in a new direction: It gets us away from guaranteed issue, which we have talked about quite a bit, and community rating, it modifies that, and it looks into setting up a chronic care pool, which some of the criticism seems to be, well, if we put people in the chronic care pool, it is going to cost them more money. It might be, initially, a little bit more, it might have to be subsidized a little bit, but I would say that if the rates can come down overall, which I believe they will under this plan because it goes back to a market based plan attracting companies and

competition back to the state, then the rates paid in that chronic care pool could very well be less than they are paying right now, and nobody gets left out on this. This essentially takes us back to a market base, brings companies, which we need, back to Maine. We are not going to get good rates with one company essentially writing most of the business, we need competition, and it was driven out 10 or 15 years ago, so I would very much hope that you consider that and vote for this. 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 encourage you to follow the light of our good Chair of the Insurance and Financial Services Committee and vote the Majority Ought Not to Pass Report. The legislation before us, while well-intentioned, is really quite radical. It does not make surgical changes in our health insurances laws, but throws out large chunks of protections that we have had for years. In particular, it throws out protections for persons who are disabled, and that is why we had testimony from dozens of groups, either writing to us or speaking to us, in strong opposition to this legislation. It does other things, but that is just one example of the concern that got the majority of our committee to vote in opposition to this legislation. I would also note that there are other measures coming along, which if you have a concern about focusing on the markets and making change there, you will have opportunities to vote for other less drastic approaches. Thank you.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is interesting that this bill is called radical. We didn't call it radical back in 1993 when we implemented the reforms that have basically destroyed this health insurance market in the state. You can't help but wonder what Maine's health insurance market would look like if we had enacted the high-risk pool back in 2003, and the market reforms that were put forward then, the same time we enacted Dirigo Health. Just looking at Dirigo, it is very probable that the rates we have to charge for Dirigo Health would be 40 to 50 percent lower than they are now; it actually would have helped Dirigo Health.

It is interesting, in the original Dirigo legislation, there was a provision that said if that after three years of Dirigo running, if Maine's uninsured rate hadn't dropped and our premiums had risen faster than the national average, which they have, Dirigo would submit high risk pool legislation. But there will be no high-risk pool legislation coming from Dirigo. The expansion of Medicaid and that alone, has kept Maine's uninsured rate relatively low, and we were told there was simply no good way to compare our rates. But what else, besides cheaper Dirigo premiums, would have happened had we enacted a high-risk pool or a chronic care pool and the necessary market reforms? Very possibly and indefinitely, Maine people would no longer be paying some of the highest premiums in the country. It is also quite assured that we would no longer be paying deductibles that are seven times higher than the national average. As my good friend from Falmouth said, many of us don't know what the premiums are outside.

It is true, we have Cadillac coverage here. Some of us are immune to that affliction of having to pay these high premiums; I am reminded all the time by my constituents. It is very possible, if we had enacted those reforms back in 2003, that maybe a couple of young families wouldn't have left this state, just a couple of them, and maybe some of the families in this state would have had a little bit more money to buy a better car, to buy

a better home, to save for an education, or to better their lives in any way they saw fit, instead of going to the health insurance company. Maybe a few businesses wouldn't have left the state, or maybe the ones that stayed would have had more money for capital improvements or raises for their employees. And maybe our monopoly insurance carrier would have had some competition, and that is the interesting thing about this insurance mess we are in. We continually hear complaints about how much money Anthem Blue Cross is making, yet everything we do that involves the health insurance market, or everything we have done, assures that they will keep that monopoly status. It might seem like they are making a lot of money, but if it is so easy for them to make all of this money, why aren't we seeing insurers flock to Maine to compete and get a little bit of that pie; because they cannot compete under our laws, they are too restrictive.

So here we are again, now it is 2008; it is five years later. The same place as we were last year and the year before that, with a health insurance market that is in shambles and for some reason it is a partisan issue. It is not partisan as far as our constituents are concerned, it doesn't matter which party you are from out there. You are paying the same high premiums whether you are a Republican, Democrat, Green, or Unenrolled, and it is not partisan in the rest of the country: 34 states have high-risk pools, and they passed with bipartisan votes. And the Feds have \$1 million for Maine to start a high-risk pool, the result of more bipartisan legislation. But in Maine, we are divided and there are powerful forces, not just here in this body, that oppose the reform of our health insurance market and it leaves us stuck with ideas that aren't working, and we know they are not working—guarantee issue, community rating, one of the most regulated health insurance markets in the country. The question is, now, where will we be in five years? We know where we were five years ago, we know where we are now. Where are we going to be in five years? Are we going to sit back and dabble and experiment some more, or will our health insurance industry finally take the route that the other states have taken and get on the track to recovery? Our constituents are pleading with us to make the right decision now, here, April 2008. We have the opportunity to do the right thing. I ask all of you to please do the right thing: reject the Ought Not to Pass and vote for this bill. Thank you.

---

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

---

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise very quickly to hope that you understand that this type of market reform is very important to our state and to our citizens. I want to remind you before you vote today that I want you to think of your neighbors, the neighbors who have deductibles of \$10,000 and \$15,000 of their insurance premiums. I also want you to think of the hospitals that have to fund that money after the patients have left and the debt is still due. Market reform is needed here in the State of Maine, and I really would like to see, with all of the work, and, I, too, want to congratulate Mike Vaughan for the work he has done, presenting this bill over the last two years, and I understand even in years previous. But, again, I do hope we can come together and vote market reform for the State of Maine and our neighbors. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I would like to deal with another aspect of the bill which has been brought before us, and that was the promise that if this bill were enacted, premiums would be cut in half. I heard that several times. I want to remind this House that the State of Maine spends more than \$8.6 billion on health care every year; \$8.6 billion was the amount we spent in 2004, of course, it is larger than that. We are one of the most expensive states, per capita, in the country, and certainly the most expensive state in New England. Of that, 25 percent may be due to the method of payment; 75 percent is not due at all to the method of payment of the method handling insurance, but rather is due to other factors such as the supply, such as regional variation in health care, such as overuse of MRI machines and other items.

To think that any bill before you is going to cut insurance premiums in half is an allusion. Don't think that is going to be possible, because it is not. This bill simply goes too far in the area of health care reform by market reform. I have dealt with fact-findings and school contracts and I can tell you the number one issue is always the question of health care. It is not wages anymore; it is the question of health care. There is a lot of competition in those big markets, but still, even though we have that competition, health care costs rise, more than double the rate of inflation, every year. This bill is not going to stop that; in fact, but repealing the Dirigo program, but repealing efforts to try to control health costs, it takes us exactly in the wrong direction. There will be other more modest attempts at health care reform coming before you, but I would certainly urge you to realize that this bill is not the solution to the problem we have of high health care costs in this state. 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. Thanks for listening. I, too, join my committee majority in support of Majority Ought Not to Pass in this extreme measure

Colleagues, there was a caricature, a cartoon in a large Maine newspaper a few months ago that was depicting ably, I believe, high-risk pools and the measures that are before us related to high-risk pools. It was a swimming pool with some older folks and some able folks around the pool. They were out there with their bathing suits and umbrellas and there was one big problem, however, with the pool: There was not water, it just had hard cement. I think that analogy of a pool with no water and a crash-landing for those who jump into it is an able description of the high-risk pool bill before us and those to come.

High-risk pools around the country have resulted in a health care cost shift onto the shoulders of our older, or in this case the older Mainers, and sickest. What happens when people need health care and they are sick and they can't get it because they are put in high-risk pool, which is called by some today a chronic care pool which I find a little bit insulting to those who need chronic care, is they will be priced out of health insurance. They will then become sicker and go the emergency room, or become hospitalized and it will all cost us more in the hidden tax, bad debt, and charity care that we pay. So this bill would definitely lead us in the wrong direction, both in terms of cost and in terms of keeping people healthy, which I think that is the goal of health care, is for folks to receive health care.

Secondly, community rating, guaranteed issue, and guaranteed renewal, what they mean is that health care is there when people need it. If you are sick, you still get your health

insurance renewed that you have been paying, probably many years into, if you are sick, you can still get it issued to you, and community rating tries to make it so that we don't discriminate in health care costs on those just because they are sicker and older. New Hampshire is actually trying to repeal their high-risk pool measure right now because costs have gone up, and, as it has turned out, only one large carrier has reaped most of the awards, and if you look at the letter from Harvard Pilgrim, or I think there is one on our desk, or soon to be, from Aetna, you will see that they attest to that. So I would suggest that this would actually, this high-risk pool bill and others to come before us, would actually increase the monopoly of one large carrier that we have in this state.

I have also heard the argument today that regulation is bad and that this would reduce regulation, this bill, and I have to remind folks of what happened recently with one health insurance company operating in Maine, in which they have skirted the law and now are having enforcement. And if the law wasn't in place with this regulation, then we would not have the abilities to enforce and protect the consumers that were affected. Thousands of people in Maine have been affected, you have read the headlines about Mega Life Health Insurance and the fine that they are going to pay for basically using a flawed method, which are terminating premiums for individuals in the health insurance policy, and what it has cost Maine consumers. And now it is in the hands of our AG because, in this case, they were fixed \$4.6 million in premiums that were paid by consumers, which they should not have been charged, and now we have enforcement, thank goodness, we have regulation and law in place so these folks can get their money returned to them that they would have otherwise not have to pay.

Secondly, I have heard this argument that oh, well if people are 65 or older and sicker, well they should pay more because they are, quote on quote, using more health care. Well, I have to remind people that if I talk to my 64-year-old mother, she has been paying into the health care system for many, many more years than say I have as 40 or someone else who is 20. So the idea that they are older, they are using it more, they have been paying it more, every month of every year for how many years. They have paid their fair share; they are still paying their fair share, so that argument just defies logic as well.

I hope you will join me in supporting the Majority Ought Not to Pass and to protect our older Mainers, our sickest in Maine, those who are disabled, and prevent us from instead making them walk the plank. I ask the Clerk to please read the Report. Thank you, Mr. Speaker.

Representative **CONOVER** of Oakland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I would bet probably every member of this House, in 2006, said they were going to go to Augusta and fix the health insurance mess that we have in this state. Well, Mr. Speaker and Ladies and Gentlemen of the House, here is an opportunity to fix the health insurance mess that was created and has only gotten worse since 1993. Mr. Speaker, this bill simply brings us back onto, on par level, with what most other states in this country does as far as their health insurance laws go. Only in Maine can health insurance be a partisan issue. I don't understand this, my constituents do not understand this and, believe me, Mr. Speaker, we are all paying for this. If you pay property taxes, those high health insurance premiums that go for our school and

municipal employees all have to be paid for out of property taxes; it comes out of our pockets because of the excessively high health insurance premiums. We need to fix the problem; this is a good commonsense fix to this problem. It brings us, again, back into the same sphere where most other states operate, and I would ask you to vote against the pending motion and let this bill go forward. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. New Hampshire is not trying to repeal its risk pool; they are making some changes to their small group market law. That is simply not factual. We are talking about the State of Maine's current status quo of premiums being the second highest in the United States. We are not the second richest state in the country, folks. Nobody pays more for health insurance except people in New Jersey. When you talk about the older paying more, nobody in the United States pays more than our older folks do currently. If there is going to be a relatively higher cost that they may encounter later, that will still be lower than what it is right now. If you want proof that these market reforms work, you merely need to look around the United States. Only five states have the same public policy laws as the State of Maine does, and they all have the highest in health insurance costs, the top five in the country. The rest of the states, including New Hampshire, where health insurance in half as much, have their heads screwed on straight and have these reforms already in place. Thank you.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to, I guess, repeat a little bit of what Representative Vaughan just said, but if our current system is working so well, then why do we have the second highest rates in the country? And the other question I would ask is every single state except five have repealed guaranteed issue and community rating. In the five that have not repealed, they have the five costliest insurance in the country. That says a lot.

In addition to that, someone touched on Dirigo. That is a subsidized program, we are subsidizing current rates. If those rates can be brought down, what we subsidize can come down substantially and cut the costs substantially, so I can't see why anybody would not want to get more competition and reduce the rates here in Maine and get us on par with other states. Thank you.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a couple of quick comments, I appreciate the good debate. At least 18 states do have some kind of rating restrictions in the health insurance market, so I would like to point out that Maine is not standing all alone as someone had you believe.

Secondly, it is quite possible to pay \$20,000 to \$25,000 for a policy in the non-group market, or to have a family policy cost that much in the self-insured market in Maine. The cost of health insurance is driven by the cost of health care, as the good Representative from Brunswick explained previously. We have an older, expensive market in Maine; we have a far-flung health care delivery system that is expensive; we have a lot of health care infrastructure in Maine that is expensive. That is why when you go to BIW or Unum, or other places that are absolutely not affected by any of this legislation we are talking about, why their

health insurance is very expensive as well, so I think there has to be another side of the story.

Finally, I did a little looking at Mississippi and what kind of a model Mississippi would offer for us. Is Mississippi really able to provide affordable health insurance to their consumers? Mississippi has the fifth highest rate of uninsured in the country; 19 percent of their population in uninsured, and on the same table on which that figure appears Maine is 9.83 percent. Maybe there is some difference made up by the fact that we have a more robust Medicaid program, but it doesn't make up all that difference. Mississippi is no health care nirvana; this is not working in Mississippi. Thank you very much.

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

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

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

#### ROLL CALL NO. 397

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

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

ABSENT - Barstow, Blanchette, Emery, Greeley, Hanley S, Lundeen, Moore, Muse, Perry, Pilon, Pineau, Piotti, Weddell.

Yes, 78; No, 60; Absent, 13; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

#### ENACTORS Emergency Measure

An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

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

(H. "B" H-994)

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

On motion of Representative GROSE of Woolwich, 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 as Amended by House Amendment "B" (H-994).**

The same Representative **PRESENTED House Amendment "C" (H-1006)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does is it allows a person applying for a driver's license to have a nontraditional residence, as it is allowed for voter registration purposes, including a shelter, park, and underpass; this is for homeless people. It allows a person who cannot provide acceptable documentary evidence of residence to take an oath or affirmation before the Secretary of State, swearing to the person's residence. And I spoke this morning to the Secretary of State, Matt Dunlap, and he said it was a good idea to have this included because a lot of times the homeless people do not have a voice up here, and that this why I put the amendment in. Thank you.

Representative **CROSTHWAITE** of Ellsworth **REQUESTED** a roll call on the motion to **ADOPT** the **House Amendment "C" (H-1006)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-1006). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 398**

**YEA** - Adams, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Craven, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, MacDonal, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Percy, Pieh, Pilon, Pingree, Pratt, Priest, Rand, Rines, Samson, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Watson, Webster, Wheeler, Mr. Speaker.

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

**ABSENT** - Barstow, Blanchette, Conover, Emery, Greeley, Jackson, Lundeen, Moore, Muse, Perry, Pineau, Piotti, Wagner, Weddell.

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

71 having voted in the affirmative and 66 voted in the negative, with 14 being absent, and accordingly **House Amendment "C" (H-1006)** was **ADOPTED**.

Representative **CROSTHWAITE** of Ellsworth **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by House Amendments "B" (H-994) and "C" (H-1006)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by House Amendments "B" (H-994) and "C" (H-

1006). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 399**

**YEA** - Adams, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Clark, Cleary, Connor, Craven, Cray, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Plummer, Pratt, Priest, Rand, Rector, Rines, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Berube, Cebra, Cotta, Crosthwaite, Eaton, Edgecomb, Fitts, Gould, Hamper, Jacobsen, Johnson, Joy, Lansley, Lewin, McFadden, McKane, McLeod, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Thomas, Tibbetts, Vaughan.

**ABSENT** - Barstow, Blanchette, Conover, Emery, Greeley, Jackson, Lundeen, Moore, Muse, Perry, Pineau, Piotti, Wagner, Weddell.

Yes, 108; No, 29; Absent, 14; Excused, 0.

108 having voted in the affirmative and 29 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendments "B" (H-994) and "C" (H-1006)** in **NON-CONCURRENCE** and sent for concurrence.

**Acts**

An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review

(H.P. 1627) (L.D. 2264)  
(C. "A" H-1004)

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

**Resolves**

Resolve, To Study Ways To Increase Access to After-school Programs

(H.P. 61) (L.D. 63)  
(C. "A" H-1002)

Resolve, To Investigate the Possibility of Expanding Cellular Telephone Service in Certain Rural Areas

(H.P. 249) (L.D. 305)  
(C. "A" H-1001)

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

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)

(H. "A" H-970 and H. "B" H-999 to C. "A" S-561)

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

On motion of Representative TARDY of Newport, 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 resumed the Chair.

The House was called to order by the Speaker.

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

**ROLL CALL NO. 400**

YEA - Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Mills, Muse, Nass, Norton, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Theriault, Tibbetts, Treat, Trinward, Vaughan, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Briggs, Bryant, Connor, Cray, Curtis, Gifford, Gould, Hamper, Johnson, Joy, Lewin, McFadden, McLeod, Miramant, Patrick, Pinkham, Prescott, Rand, Robinson, Tardy, Thibodeau, Thomas, Valentino.

ABSENT - Barstow, Blanchette, Conover, Emery, Gerzofsky, Greeley, Jackson, Lundeen, Millett, Moore, Perry, Pineau, Tuttle, Wagner, Weddell.

Yes, 109; No, 27; Absent, 15; Excused, 0.

109 having voted in the affirmative and 27 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED** signed by the Speaker and sent to the Senate.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Amend Teacher Confidentiality Laws"

(S.P. 912) (L.D. 2291)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)** in the House on April 10, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-624)** thereto in **NON-CONCURRENCE**.

Representative NORTON of Bangor moved that the House **ADHERE**.

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

Representative PINGREE of North Haven **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. 401**

YEA - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Dunn, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Patrick, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Simpson, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Watson, Weaver, Wheeler.

NAY - Adams, Babbidge, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Schatz, Silsby, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Webster, Woodbury, Mr. Speaker.

ABSENT - Barstow, Blanchette, Conover, Emery, Gerzofsky, Greeley, Jackson, Lundeen, Moore, Perry, Pineau, Weddell.

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

64 having voted in the affirmative and 75 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative NORTON of Bangor, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

On motion of Representative BEAUDETTE of Biddeford, the House **RECONSIDERED** its action whereby Bill "An Act To Remove Impediments to Changing County Government Fiscal Years"

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

(H. "A" H-995 to C. "A" H-979)

Was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-979) and House Amendment "A" (H-995)**.

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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

(H.P. 458) (L.D. 591)

(C. "A" H-635)

**PASSED TO BE ENACTED** in the House on February 26, 2008.

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

Representative TUTTLE of Sanford moved that the House **INSIST**.

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

Representative TUTTLE of Sanford **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. 402**

**YEA** - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Vaughan, Walker, Weaver, Wheeler, Woodbury.

**NAY** - Adams, Babbidge, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Cleary, Connor, Craven, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Grose, Harlow, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Simpson, Sirois, Smith N, Sutherland, Theriault, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Mr. Speaker.

**ABSENT** - Barstow, Blanchette, Conover, Emery, Fisher, Greeley, Haskell, Jackson, Lundeen, Moore, Perry, Pineau, Weddell.

Yes, 66; No, 72; Absent, 13; Excused, 0.

66 having voted in the affirmative and 72 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative TUTTLE of Sanford, the House voted to **INSIST**. Sent for concurrence.

**Non-Concurrent Matter**

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

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

**REFERRED** to the Committee on **LABOR** in the House on April 11, 2008.

Came from the Senate **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-625) in NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR**.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1431) (L.D. 2047) Bill "An Act To Shield Journalists' Confidential Sources" (EMERGENCY) Committee on

**JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-1010)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Wagner who wishes to address the House on the record.

Representative **WAGNER**: Thank you, Mr. Speaker. Had I been present for Roll Call No. 398, LD 2304, I would have voted yea. Had I been present for Roll Call No. 399, LD 2304, I would have voted yea. Had I been present for Roll Call No. 400, LD 2255, I would have voted yea. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat who wishes to address the House on the record.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 402, on LD 491, I had intended to vote nay, but mistakenly voted yea.

On motion of Representative PERCY of Phippsburg, the House adjourned at 4:47 p.m., until 9:00 a.m., Tuesday, April 15, 2008 in honor and lasting tribute to Jane Webber Stevens, of Popham Beach, Phippsburg, Corydon C. Hardy, of Phillips, Private First Class Tyler Jacob Smith, of Bethel, Neil C. Corbett, of Cutler, Mary Mahar, of Dennysville, James "Jimmy" Sullivan, of Dennysville, Alfred "Al" B. Langley, Jr., of Fairfield and William W. Gentile, of Old Orchard Beach.