

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
52nd Legislative Day
Tuesday, May 31, 2011

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

Prayer by the Honorable Andre E. Cushing III, Hampden.

National Anthem by Maine Central Institute Chamber Choir, Pittsfield.

Pledge of Allegiance.

Doctor of the day, Amy Madden, M.D., Belgrade.

The Journal of Thursday, May 26, 2011 was read and approved.

(S-60) on Bill "An Act To Allow a Tax Credit for Tuition Paid to Private Schools"

(S.P. 325) (L.D. 1092)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

COMMUNICATIONS

The Following Communication: (H.C. 186)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

May 26, 2011

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1222, "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers."

My administration strongly believes that Maine businesses have the right to contract with each other as they deem appropriate. Laws and regulations that require or prohibit certain provisions of contracts take away the rights of job creators to independently organize their affairs. Blanket "one-size-fits-all" laws prevent businesses from pursuing novel and creative approaches to achieve competitive advantages.

Further, Maine's antitrust laws are strong and I have no doubts that the Office of the Attorney General will enforce them to the utmost of their ability. New laws forcing requirements on business are not necessary to ensure that fair play occurs in Maine's insurance marketplace.

For these reasons, I return LD 1222 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers"

(H.P. 913) (L.D. 1222)

On motion of Representative CURTIS of Madison, **TABLED** pending **RECONSIDERATION** and later today assigned.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A"**

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and I wish to point out just a couple of things about the legislation that we would pass, in this body at least, if we accept this motion.

LD 1092 would provide an income tax credit of up to \$2,500 per family for those choosing to send their children to private or parochial schools. In doing so we would spend roughly over \$25 million in this biennium alone.

The bill makes no provision for lower-income individuals to benefit from the credit. Those who currently bear no income tax liability but pay very high rates as a portion of their income in sales tax and in property tax would not benefit from this subsidy and would be unable to send their children to private or parochial schools using this tuition subsidy.

And I think that we would all be able to give additional subsidies to education in our public schools and, if the money was there, in our private schools as well. But we all know that public schools back home, wherever we are from, are hurting right now and don't have the funds as it is to maintain their overhead costs. This is a giveaway we cannot afford. I encourage all members of this body to vote it down.

There is significant First Amendment issues as well that are raised by this bill because the state is not currently in the business of providing subsidies to or overseeing the work of parochial schools, nor should it. There is a separation of church and state. It is there for a reason. It was put there by the framers of the Constitution of this country and it makes no sense to put the state in the business of regulating religious schools. We must

respect their independence and we must vote this motion down. Thank you, Mr. Speaker.

Representative CAIN of Orono **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 Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to correct a couple of things that have been said by my good friend from Bowdoinham. This particular tax credit is fully constitutional. The Supreme Court actually ruled back this very April, 5-4, in favor of allowing such. In fact, this is nothing unusual. I believe there are nine states in the United States currently permitting these types of credits. There are another seven states that are reviewing the matter and this definitely is not a separation of church and state issue. 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. 90

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Casavant, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Knight, Lajoie, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Bolduc, Briggs, Bryant, Cain, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Kruger, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, O'Brien, Peoples, Peterson, Plummer, Priest, Rankin, Rochelo, Rotundo, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Weaver, Webster, Welsh.

ABSENT - Boland, Carey, Libby, Nelson, Pilon, Russell, Tuttle, Wintle.

Yes, 75; No, 67; Absent, 8; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-60)** 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-60)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)** on Bill "An Act Regarding

the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals"

(S.P. 434) (L.D. 1406)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.
READ.

On motion of Representative STRANG BURGESS of Cumberland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Permit Tuition Subsidies by Municipalities"

(H.P. 203) (L.D. 250)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)** on same Bill.

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:
JOHNSON of Greenville
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative RICHARDSON of Carmel moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Education improvement and reform has been a common goal for this Legislature. Studies have proven that a key component of improving education is often to give students and parents more choice in how that education is delivered. But many districts in Maine have no school choice available, even though there are some who do, sometimes choices in the form of public school options such as choosing Deering, Portland, or Casco Bay High School in the City of Portland.

But often in Maine small municipalities pay to send their students to a public regional school unit. In the case of a very small town some have adopted a policy of a monthly stipend to parents who choose this school for their children. Unfortunately, under Maine law, such a town is barred from helping parents with tuition if they happen to choose a sectarian school.

The problem with this other than it not being fair to parents who want to make their own choices for their children is that, in many places, there are no non-sectarian private schools. If the parents are not comfortable with the public school options, they have no choice but to either foot the bill themselves or send their children to schools that they are not pleased with. Even in Portland there are very few non-religious private school options for parents to choose from.

This bill is not an attempt to repeal the non-sectarian prohibition in the statute and let religious private schools become part of the state's tuition funding program. To become a part of that system, religious private schools would have to submit to all sorts of state regulation and oversight, which they most likely would not be interested in doing.

This bill is completely outside of the state's tuition funding program. It says that towns can reimburse parents for tuition paid to private schools out of the towns' general funds if they resolve to do so. This bill in no way obligates a town to do so. It only enables those who want to do so and there probably are not a lot of towns that would opt for this option, but it is a matter of local control to allow them to do this under state law.

This bill is about choice on the part of parents and choice on the part of towns who know the reputation of a school and trust parents to make good choices for their children. I would also like to state we're going to hear that this is unconstitutional. That is false. This is not unconstitutional. The parent is the separator between church and state.

It does not obligate the town to pay the full tuition. It can be as little as \$10. It could be \$100. It could be the full tuition. This only gives municipalities the option of choosing for themselves whether they want to adopt a policy of giving the parents some form of tuition reimbursement. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support – or against the pending motion actually. I see this as a local choice option. There is no reason the State of Maine needs to be telling these towns how to spend their money. I think very few would opt to do this, but they certainly ought to have the right to do it if they choose to. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise also to speak against the pending motion. Some of the arguments that I have heard today that we should avoid religious favoritism and I've read statements here that we cannot avoid the appearance of taking sides in religious debates if we do this, and that's precisely why the founding fathers advanced the idea of separation of church and state and the First Amendment to the Constitution. Boloney. I know there are a lot of court decisions that do not agree with me, but the founding fathers set up in the First Amendment, the separation of church and state, so that we would never have a state mandated sponsored religion, and that is the only reason. Not to deny prayers in schools or deny municipalities the right to spend their money on these schools if they so wish.

The other boloney that I've heard today is that how will we be able to account or have accountability for these schools. Well, I don't know. Probably the same way we have accountability for the public schools now, which is none. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill basically allows a town to use its own money to fund private schools. I think this is local control at its core. I think a town's money is their money. This one, as was said earlier, will not be a rush to have this happen because most towns will just not want to do this. I really firmly believe towns should be able to make their own choices on this.

One of the arguments, which is a little different from what you've heard so far, against this was that it was actually argued that this would be confusing, that some towns wouldn't know what they were doing. They wouldn't understand their own budget process. I know my town is wise enough to understand the budget process, so I trust that they will do the right thing. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm still amazed in this day and age that while we have so much opposition to religion, this great country and the beginning of this great country that made it great, the main textbook of public school was the Bible. We've gone down a road that seems to be not working so well and why anybody would oppose people having private schools that might teach the Ten Commandments or might teach fearing God and doing right and not lying and being a productive person of society really boggles my mind.

I oppose this motion. I support local choice, but the local taxpayer ought to have the right to decide how his tax dollars are being spent out of the General Fund. I ask you to oppose this motion and support choice. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative GUERIN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand here in opposition of LD 250's Ought Not to Pass. I represent a town that tuitions all high school students. For many years a local state accredited sectarian school was the choice of many of my constituents, as it is my choice for my child today, and until the law was changed that did not allow them to be tuitioned to that school anymore. As a taxpayer in that district and representing the other taxpayers in that district that would like to have their children attend the state accredited sectarian school, I urge you to vote in opposition to this motion.

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

ROLL CALL NO. 91

YEA - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgcomb, Eves, Flemings, Flood, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, O'Brien, Peoples, Plummer, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Valentino, Wagner R, Weaver, Webster, Welsh, Willette M.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Lajoie, Long, Malaby, McClellan, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Willette A, Winsor, Wood, Mr. Speaker.

ABSENT - Boland, Libby, Nelson, Pilon, Tuttle, Wintle.

Yes, 73; No, 71; Absent, 6; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)** on Bill "An Act To Amend the School Administrative Unit Consolidation Laws" (EMERGENCY)

(H.P. 311) (L.D. 385)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGEComb of Caribou
JOHNSON of Greenville
LOVEJOY of Portland

MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-358)** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representative:

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-357)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-357)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-357)** 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. 171) (L.D. 194) Bill "An Act To Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)**

(H.P. 258) (L.D. 325) Bill "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 699) (L.D. 939) Bill "An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)**

(H.P. 761) (L.D. 1027) Bill "An Act To Make Strangulation an Aggravating Sentencing Factor" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)**

(H.P. 999) (L.D. 1360) Bill "An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

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.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 2011, 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-347) - Minority (5) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature (H.P. 599) (L.D. 804)

TABLED - May 26, 2011 (Till Later Today) by Representative COTTA of China.

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

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to ask you to vote for change. Not small incremental change, but significant, productive change. In 1935, Senator Fernald from Waldo County introduced the first bill before the Maine Legislature asking for a unicameral body. In an excerpt from his floor speech, he says, "Never were Americans more interested in government than they are now. The American people are far from being satisfied with the way State governments are functioning." This statement rings as true today, as it did 74 years ago.

Many of you who served during the 124th Session may remember my bill and the lengthy House debate which resulted in 89 House members voting for it. That is why I am here before you today to try one more time for the unicameral idea before redistricting takes place.

This bill has nothing to do with what party is in control. I submitted this bill when the Executive office, this body and the other body were all controlled by my party and I am submitting this bill today when the Executive office, this body and the other body are all controlled not by my party, but by the other party. That is why it is important to note that this bill received a majority, 8-5, bipartisan support coming out of committee.

In 1937, Nebraska became unicameral, the only state with a unicameral body, because citizens were allowed to gather signatures to get this issue on the ballot. Nebraska has a population of 1.7 million, while Maine's population is 1.3 million. Nebraska is twice the geographical size of Maine, but yet, Nebraska has only 49 Senators in a one-body compared to Maine's 186 members. When asked if other states would follow their lead, the first clerk of the Nebraska Legislature was right when he said, "not too many legislators want to vote themselves out of office."

In the 1960s, there were three United States Supreme Court cases ruling that states were not allowed to apportion the House and Senate differently. The court stated that both bodies must be apportioned based on population, not geography. That is why Maine went from having two Senators per county to the geographical way we do it now. This ruling raised doubts about the necessity of having two bodies based on population. Many states, including Maine, introduced unicameral legislation. Bills

were introduced in Maine in '67, '73, '77, '79, '92, '95, and '09 and each time the Senate voted not to do it. Although Maine allows the citizens to collect signatures for initiatives and a people's veto, the citizens are prohibited from collecting signatures to place constitutional changes on the ballot. The only way that the citizens will ever get to vote on this issue is if 2/3 of the House and 2/3 of the Senate vote to send the issue to voters. If you vote for this issue today, you will be voting to send the issue to the voters for ratification.

In these tough economic times the Legislature has reviewed initiated proposals for consolidation, downsizing, and belt-tightening in all areas of government. It is because of these changes that I ask you to reevaluate the way the Legislature should be working in the 21st century. It is no longer 1820. Legislators do not travel by horse and buggy. We reach out to constituents instantaneously by email, Facebook, Twitter, and driving in our automobiles.

I could spend hours on this subject, starting with the "great compromise" at the Continental Convention in 1787, where Benjamin Franklin advocated for a unicameral federal legislature and end with quotes from every floor speech that I have ever read in both the House and the Senate from 1935 to present.

I realize that time is limited so I will touch upon the most frequently asked questions. Many of your questions will be addressed in the handouts – which I urge you to check both sides. There are three handouts.

The basic outline of 804 is to have a part-time citizen legislature. This ensures the closeness between the members and their constituents. As we have seen in recent discussions on bills to reduce the size of the House, members were concerned about the impact to rural areas. Having a unicameral body with 151 members will not impact rural areas the way reducing the House size would, since the ratio of legislator to constituent would remain the same.

If Maine voters approve this measure, the first unicameral legislature would not be seated until 2016. Redistricting is already scheduled to take place in 2013. This gives two new bicameral legislatures four years to review and change any statutes and rules that need to be changed. Four years to decide on staffing levels and housekeeping.

Over the past months when I discussed this bill with colleagues, the first question they asked is on checks and balances. Separation of power or checks and balances refers to the three branches of government: the executive, the judicial, and the legislative. It does not refer to the relationship between the House and the Senate.

I contend that the unicameral system corrects the modern day concentration of power in the executive and judicial branches of government. By concentrating and increasing the authority of the legislature, the unicameral structure restores the proper balance of power among the three branches of legislature.

In our system of shared lawmaking authority, quality control does not rest with the legislature alone. The executive veto, judicial review, and in Maine, both the citizen's initiative and the people's veto are all protections against serious legislative error.

Nebraska's legislature has safeguards in place to assure that legislation is not made in haste and without thorough examination. Time periods such as five days from the time an item appears on the calendar until a vote can be taken on an issue are in place. Members are not thrown bills, committee reports, and amendments on their desks and asked to vote on them in the next few minutes. They have anywhere from 24 hours to five days to read the material, understand the issue, then vote on a bill.

They cannot waive the rules, have a debate, amendments, first reading, second reading, engrossment, and enactment all on the same day as we have done in this chamber under both political parties. What we consider a safeguard having a bill pass back and forth between the two bodies, often times acts to shift the responsibility and accountability from one body to the other. We need to have one set of eyes that knows that they are the ones who are fully accountable for reading and understanding what they are voting for or against. Last time we had this debate, the *Kennebec Journal* wrote, "With this budget, the legislature has driven home the new reality that we simply can't afford government like we have had for the last 200 years."

In the *Press Herald*, they wrote, "Legislature misses rare opportunity to gain through division. As legislative votes go, the Maine House's decision Tuesday to eliminate itself deserves some kind of special award. If not a 'Profiles in Courage' prize, it's at least a 'Profiles in Common Sense.'"

Therefore, I ask you, do Maine citizens, in this electronic day and age, really need two people to represent them in Augusta? Do the people of Maine need to continue to spend almost \$11 million for a second body? Do we really need to have 28 full-time and seven part-time employees to staff 35 members? Do we really need to spend over \$300,000 every budget cycle to support one member from the other body when less than 10 percent of that \$300,000 actually goes toward their salary and expenses?

So whether you vote for this bill because you really believe in the unicameral system or whether you want to be on the record with your constituents saying that you voted to save \$11 million, let's live up to our *Dirigo* motto. Let's make Maine the first state in 74 years to become unicameral. Let Maine lead the change for the 21st century for a more transparent, efficient, and accountable government with savings, over \$11 million every budget. Please vote to send this issue to the voters. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this motion as well, though for slightly different reasons than my good friend and colleague from Saco, Representative Valentino, and that is because the reality is that in modern history there is no rationale for this.

For centuries in millennia people have looked to how they should divide up political power. It can go back to kings. It can go back to the time of serfdom when there was an ordered sense of society in the Middle Ages between royalty and nobility and common people. It finds its explanation first in the English example where they divide power along the House of Lords and the House of Commons and the monarchy. In my wife's Netherlands, it is along the same lines. There was the *Eerste Kamer* and the *Tweede Kamer* and the royalty. But in all of these places, as democracy has advanced, the rationale for the lords has gone away and the rationale for the monarchies has gone away.

The United States was an example that was slightly different. Even though many of the colonial governments, because they sought not to fully incorporate the idea between an aristocracy or a landed gentry in the people, their colonial governments, some had one body, some had two following the English example. But there always was a rationale for it. When it reaches the United States, in the Constitutional Convention the rationale is between states having equal voice in one body and representative voice in the other body.

I'm not surprised that Ben Franklin opposed a bicameral legislature. He was from Pennsylvania. Pennsylvania was one of the largest states. He was a Pennsylvanian first, and why

would he seek to give equality or strip himself from power in another body? But the compromise was reached and states then began to move their legislatures in that example. But they did so, once again, on geographic lines, fundamentally counties.

In 1962, Bob Dylan said the times are a-changin and, in 1965, *Reynolds v. Sims* agreed with him. Since *Reynolds v. Sims*, there is no rationale other than purely partisan divisions for the two bodies because the county lines across the country have been stripped and now it is purposely based purely on one man, one vote in representation. The only thing that you can have now possibly existing for a balance means that one body has a different party than the other body. That's it. Those rationales that held them together in their origins, in terms of states, are gone. At the federal level in that constitution, the states still have an equal voice in the Senate and it has remained so and should remain so.

The reality is that this is an idea whose time has historically come. The rationale no longer exists. If you look at election cycles, other than a handful of elections, the two bodies that have been of the same parties, and since the '90s when elections have once again become nationalized, we have seen these bodies replicate and follow national elections, and that's why we are here where we are today. The distinction other than the possibility to break along partisan lines to break it up no longer exists, so I ask you to support this measure.

Representative CAIN of Orono **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 Scarborough, Representative Sirocki.

Representative SIROCKI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support my esteemed colleague from Saco, Representative Linda Valentino. The unicameral legislature is a reality in Nebraska and it is time for us to consider this common sense idea too.

The system of two chambers is expensive and antiquated. The bicameral system was originally modeled after the British parliament, consisting of two parts: the House of Commons, which was designed to represent the common people, and the House of Lords, with members of the aristocracy who were appointed by the King.

George Norris of Nebraska said "...The constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction."

Both chambers are apportioned by population, so why do we have two chambers if they are both apportioned in the same way? Many city, county, and school districts use a single system as a governing body.

The most common reason cited for a bicameral legislature is that two chambers are needed to retain the checks and balances. But the checks and balances are actually the three branches of government, not the two chambers in the legislature. The judicial branch and the executive branch can decide to rule on measures that may be found improper. The final and most important check on the abuse of power, of course, comes from the people of the state with voting rights and the ability to petition. I urge you to consider following Representative Valentino's light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of LD 804. When I first got here in the Legislature, I could not understand how the paper industry in Maine, why they were in financial trouble, with all the paper that went back and forth between these two houses.

I have to agree with everything that has been said so far. The only other thing I want to add is and hopefully maybe some of the members of the other body are listening, maybe they are on break right now. This is not destroying one particular house. We're not getting rid of the Senate, okay? This is just combining the two and making it smaller. As a matter of fact, as it states in the legislation, the members will be known as Senators, so maybe they should think that maybe they're getting rid of us instead. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to this motion. Our Constitution and our laws for nearly two centuries are embodied in our laws and our Constitution. The saying "Maine, the way life should be," our great environment, Maine being a great place to raise children, a great place where to educate children, and yes probably our deficiency is our economy and we are working on our economy. But in creating a unicameral legislature, all we will do is require more staff and more cost and it will give more power to staff.

I represent five towns and I already don't have enough time to get to just five towns. The good Representative to my left has 2,100 square miles in her district. It is an impossible task. I believe that this would hurt the values for which Maine has been built on. I think we are where we are today because we have the system of government, I think it is a system of government that works, and I'd ask you to please follow my light in opposition to this motion.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of this motion and this is why.

You heard me speak previously about should we just pick a random number and throw it out to the voters and say, hey, let's decrease the size of the Legislature. Our constituents have asked me, have asked many of you to look at this, to be reasoned and thoughtful about whether the size of the Legislature is appropriate or not. I hear them.

My good friend, the Representative from Saco, came to us, to the State and Local Government Committee, and presented clear strong data, research and reasoning for why a unicameral legislature may be appropriate. Quite honestly, do I think that that's a good idea? Maybe yes, maybe no. But I do think it is time, as the good Representative from Farmington has said, to put it to the voters. Your vote will be to put it out to the voters. If they think that this is a good idea, then so be it. That is where I fall on this.

I urge you to pass this motion because it is thoughtful, it is reasoned, and it is time that we really talk about whether we are effective and efficient with what we do here in the State Legislature. Thank you, Mr. Speaker.

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

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we look at this particular issue and some of the other issues we've talked about in terms of restructuring government we have to be very

careful and we can't be hasty. Sometimes we try to put in place a business model and talk about government efficiencies and that type of thing. But when you look back when the Constitution was formed, James Madison talked about clashing constituencies, and the purpose of his view of government was to slow the process down.

Now one of the things that I do admire about our current system is that, let's face it, this Senate does slow things down. Those of you who are freshmen will learn that much more succinctly in the upcoming days. But on the other hand, sometimes we learn something from what they have to offer or by the slowing down it gives new insight to everything, and I think that's important.

We've talked about reducing the number of the Legislature, we're talking about unicameral. But there are bigger things to consider. Staffing. What's our issue with staffing? Is it correct or is it not correct? The calendar. Quite frankly, there are days sometimes when we come here, through no fault of anyone, that we didn't have to be here. It's just the nature of the beast. I didn't get here until the end of January because I finished off my work. I don't think I missed that much. Savings could be there.

What I'm saying, I guess, is that while I like this bill, we've talked about so many things subjectively that sound great on paper or in discussion because all of our constituents want some sort of improvement and yet research indicates that we're one of the lowest costing legislatures in the nation. Can we do better? Absolutely, I know we can.

But I think that we have to slow the process down because I guess my biggest concern is let's look at the big picture. Let's look at should we reduce it? Should we keep the two? Let's look at staffing. Let's look at inner efficiencies. Let's look at limiting the number of bills. All of that big picture type of thing that can make us a better place. As you look at this particular vote, think about what you want the final product to be and whether you can make that judgment now or have to make it later. Thank you.

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

Representative **DAMON**: Thank you. Good morning, Mr. Speaker. I rise on this because I've talked at great length with my esteemed colleague, Representative Valentino. I think this is perhaps an idea that its time is approaching, but I am concerned. Most everyone I talk to in the rural areas of Maine are greatly concerned about their representation in this body.

I also am concerned about if you cut it down and eliminate it to a one cameral system, that those individuals may be inundated with details and may not get the facts right or may not get the bills right.

Finally, I think about this. As a business person all my life, if I designed a business model, I would not have two systems. I would have one system all pulling. But somewhere there has to be pushback and having a two house system does allow that. So, for me, I cannot support it at this time, although it is an idea that we must consider further. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. I rise in support of the current motion and also to pose a question through the Chair if that is allowed.

The **SPEAKER**: The Representative may pose his question.
Representative **BELIVEAU**: It is a question in regards to concerns from the good Representative from Newport. I don't believe this would increase our district sizes, but I would pose that question through the Chair. Is this going to increase our district sizes or not?

The **SPEAKER**: The Representative from Kittery, Representative Beliveau, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: This bill will not increase the district sizes. It will stay the same: 151. So the sizes will be exactly the same. There will be no increased workload for any of the people.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. I rise to address the body in opposition to the Majority Ought to Pass motion. Simply two points and that is it seems to be very interesting to go through too much a process of education and you get the textbook view of the political process. Then most of us graduate from the school and we find out what real life is. I think this is one of those instances. While I respect a lot of the thought that goes behind the statements that are made before this body, I have to respectfully disagree with quite a number of them.

Just the thought of having two bodies deliberating on a single issue brings to the floor our ability in a republic that espouses views on democracy, the value of debating the issues. In fact, I know there are some here in this chamber that think we spend too much time here. On the other hand, I am one of those that think that we don't spend enough time here really working on the issues.

Having said that, I think the more important point, why I consistently vote against these bills that come before the State and Local Government Committee, is that effectively many of them disenfranchise the Maine voters. When you think about it, in all of our districts, and I'm thinking especially rural districts, they are impacted more than the better populated districts. After all, if you do anything like reduce the size of the House by 20 members, certainly there is some shifting going on, but we won't lose as many Representatives in York County as would voters in Washington or Aroostook County. In the same respect, if we lost a body that is the Senate, then you effectively eliminate another layer of representation, and it's not just the rural sections of the state, it applies to the state as a whole. Since I tend to speak too much on too little sometimes, I did want to make those two points, Mr. Speaker. Thank you.

Representative **HARMON** of Palermo **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this particular proposal at this time and would suggest that if one had been present to observe the good Representative from Saco, Representative Valentino's presentation in the State and Local Government Committee, she had some very powerful visuals that showed what I thought was quite striking, the impact of this proposal of the rural areas which, from what I could see, was negligible.

In fact, one might argue that the rural areas might be better represented by the fact that there wouldn't be this watered down in the second house. I just want to suggest that that's not a reason to not support this proposal because, in fact, rural areas will continue to be represented. There won't be a change. There will be a change in the title that those of us who would represent them may have, but would continue to have the ratio of roughly of about one Representative, one Senator in this case, to about 8,500 folks, and rural areas benefit from that representation here

in this body and it has diminished at the other end of the hall.

I would suggest to you that that would not be a reason to oppose this and given the fiscal implications and the opportunity to make the biggest impact in terms of a structural change, that will result without a loss to the rural areas. I would encourage you to support this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank the good Representative Beliveau for clarification of the issue regarding representation. But my point is the same because I think it's a distinction without a difference. When you remove a layer of representation, you still are going to require more staff, you still are going to absorb more cost, and more importantly I think you are going to be removing a very important set of checks and balances in our system. Rather than having one body that would retain all the power if it was in one political party or the other, I believe that the checks and balances involved with having a Senate, again, support defeating this motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition of this and the reason is clearly District 11, the district that I represent, has 59 towns. Of the 59 towns, 37 of them have registered voters. District 11 also has four Senators that represent District 11. It is impossible for me to cover the 2,100 square miles or 6 percent of the State of Maine. From time to time, it is great to know that one of those Senators can go and help me as well to represent. I also agree with some of the other points that have been made that the Senate is there to slow down the process, and that is a good thing. Thank you.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to address a few things that were said. Obviously, I've studied this issue at length, the fiscal note, all of the budgets from the Legislative Council. I have all of the information on all of the costs on everything, so when somebody rises and says that if we do a unicameral legislature it's going to cost us more money and it's going to increase our staff, I guess I question where this comes from. I certainly have the numbers to support all of my arguments on it and my argument is \$11 million in savings. Even if you thought that we are understaffed right now in this body and you wanted to add additional staff, I certainly don't think you'd spend an additional \$11 million on that. So I certainly question that.

The other thing is when we talk about the staffing level, we have the redundancy in both the House and the Senate. We have a majority office in both. We have a minority office in both. We have the Clerk's Office, the President's Office, the Speaker's Office. We have communication directors, attorneys, clerks, pages doing the same thing for both different houses, sending out the same messages or different messages on that, so there is a lot of the redundancy on that.

As far as the final product goes, we would have plenty of opportunity to control the amount of bills that were going in, whether or not we wanted to do it. Some people have risen and said "I have a very difficult time doing my district because I have a very large rural district." I hear that from a lot of people in the rural districts and I ask if you are a Representative and you are having a hard time representing the people in your district, then

what are the Senators doing, because they are representing four times as many people and if you're having a hard time and you don't feel that you can do it adequately, then how can a Senator be doing it with four times as many people? They are that much removed from the people that they are doing it. It comes back to it's a question for the people and I think the people should be deciding this. So you want two people to represent you in Augusta if the second person costs \$300,000 every budget cycle, and that's the debate for the people. We've put constitutional questions out before the people and they have voted them down. The people are smart. The people will look at this issue and research this issue. Do we want to deny the people the opportunity to even look at it and decide for themselves whether they want to do it?

The other thing we talk about is having the Senate looking at issues more carefully. That is true, but we have all sat in committees with a Senator and we have our committees jointly. We cannot start a meeting without a Senator and usually in our committees we have one Senator. When I presented this bill there was one Senator. There was not three Senators sitting there listening to my testimony. Why, because the other Senators are on other committees. They don't hear the public hearing on it. They don't listen to any of the people. They don't show up for the work sessions most of the time, but yet they have a vote in that committee. They have a vote on every single bill in that committee. I sat on one committee for two years and one of the Senators showed up one time in two years – one time in two years because he chaired the Judiciary Committee and he was not there, but yet he voted on every single issue. Is that fair to the people who show up at the public hearings and have nobody listen to them because it is only the Representatives who are sitting there and the Senator who chairs the Committee? Is that fair?

I think what we're talking about is we're talking about whether or not we should send this to the voters, whether or not it is an argument worth having, and that's what I am trying to persuade you of, is whether or not this is an argument worth having in the general public and let the voters decide. If they don't want to do it, that's fine, but we're coming up on redistricting. Now is the time to do it. Now is the time to let the voters decide. I thank you very much.

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. I apologize to this body for rising, but as I listen to the debate a marked difference between Maine and Nebraska comes up in the crafting of this bill. Nebraska is a nonpartisan state. Their legislature is not elected by party status. This bill does nothing to change the way Maine's structure is and that's a critical difference when you move from a bicameral to unicameral legislature.

One of the things that surprised me in this discussion is this idea that we should just send it to the people and let the people decide. But it's our job to deliberate. It's our job to make those decisions. It's the people's job to ratify whether we made a good decision or not, but we don't just send things out to the people and let the people decide. We first have to decide whether or not it makes sense here, and I contend that this doesn't. I will be voting against the present motion because the system we have is very functional. It does exactly what it was intended to do. 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. 92

YEA - Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Bolduc, Bryant, Burns DC, Cain, Casavant, Celli, Chapman, Chase, Chipman, Clark T, Clarke, Cotta, Dill J, Driscoll, Duchesne, Eberle, Edgcomb, Espling, Eves, Flemings, Flood, Foster, Gillway, Graham, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson P, Kaenrath, Knight, Kruger, Lajoie, Longstaff, Lovejoy, MacDonald, Malaby, Maloney, Martin, Mazurek, McCabe, Newendyke, O'Brien, Olsen, Parker, Parry, Peoples, Peterson, Rankin, Richardson D, Rioux, Rochelo, Russell, Sanborn, Sanderson, Sirocki, Theriault, Valentino, Volk, Wagner R, Waterhouse, Weaver, Welsh, Willette A, Willette M, Wood.

NAY - Ayotte, Beaudoin, Black, Briggs, Burns DR, Carey, Cebra, Clark H, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Dunphy, Fitts, Fitzpatrick, Fossel, Fredette, Gifford, Gilbert, Goode, Guerin, Hamper, Hanley, Harmon, Hogan, Johnson D, Kent, Keschl, Knapp, Kumiega, Long, Luchini, Maker, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, O'Connor, Picchiotti, Plummer, Prescott, Priest, Richardson W, Rosen, Rotundo, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Timberlake, Treat, Turner, Webster, Winsor, Mr. Speaker.

ABSENT - Boland, Libby, Nelson, Pilon, Tuttle, Wintle.

Yes, 78; No, 66; Absent, 6; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The RESOLUTION was **READ ONCE.** Committee Amendment "A" (H-347) was **READ** by the Clerk and **ADOPTED.** The RESOLUTION was assigned for **SECOND READING** Wednesday, June 1, 2011.

CONSENT CALENDAR

First Day

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

(S.P. 189) (L.D. 609) Bill "An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)**

(S.P. 324) (L.D. 1091) Bill "An Act To Expand the Availability of Natural Gas to the Citizens of Maine" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

(S.P. 343) (L.D. 1134) Bill "An Act To Make Municipal Recounts Consistent with State Recounts" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)**

(S.P. 447) (L.D. 1460) Bill "An Act Concerning the Recording of Plans for Subdivisions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)**

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

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

ENACTORS

Emergency Measure

An Act To Continue Limited Entry in the Scallop Fishery
(H.P. 274) (L.D. 348)
(C. "A" H-333)

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. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters
(S.P. 494) (L.D. 1547)
(C. "A" S-156)

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. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State
(S.P. 341) (L.D. 1132)
(S. "A" S-152 to C. "A" S-55)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding the Qualifications of Candidates for Office
(H.P. 229) (L.D. 285)
(C. "A" H-341)

An Act To Establish an Elder Victims Restitution Fund
(H.P. 594) (L.D. 787)
(C. "A" H-343)

An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act
(H.P. 837) (L.D. 1125)
(C. "A" H-334)

An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan
(H.P. 915) (L.D. 1224)
(C. "A" H-322)

An Act To Require Use of the Electronic Death Registration System
(S.P. 392) (L.D. 1271)
(C. "A" S-157)

An Act Concerning Technical Changes to the Tax Laws
(H.P. 1077) (L.D. 1468)
(C. "A" H-336)

An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance

(H.P. 1138) (L.D. 1551)

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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students"

(S.P. 425) (L.D. 1380)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel

EDGEComb of Caribou

JOHNSON of Greenville

LOVEJOY of Portland

MAKER of Calais

McFADDEN of Dennysville

NELSON of Falmouth

WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)** on same Bill.

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

McCLELLAN of Raymond

RANKIN of Hiram

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

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-168)**.

READ.

Representative RICHARDSON of Carmel moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **WAGNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Lest you think the Education Committee has taken leave of its senses by not supporting a bill that would reward nationally certified teachers, this is in fact an option we have taken in order to improve the system and to expand rewards for those who opt to go through national board certification to improve their skills. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wasn't actually going to rise, but I will.

I am also on the Education Committee. This seems like a pretty basic thing. Yes, this is about a stipend that's been established. It was already budgeted, I guess. It's about \$307,000 if I recall and it rewards teachers that go through a very strenuous process. We learned about I think it's a two-year process that they go through, and at the conclusion of it, every year I guess the people in the pool that have gone through this process all share in that \$307,000.

In the Education Committee, we learned that there is 11 private schools, I believe, and someone can help me if I'm wrong, but there is 11 private schools in this state. I'm familiar with Fryeburg Academy, that they actually cover 60 percent of their students at the private school are public students and so those teachers from those private schools are at this point blocked from accessing this stipend. They are going through the two-year process. They are doing the continuing education and they are doing what we would hope they would do. They would grow as teachers and become better teachers and yet because they happen to teach at a private school, even though 60 percent of the students at the private school were talking about are public students, they are blocked.

Now my understanding is there is 11 schools in the state and there was a survey done and right now we're talking about three teachers in this state that are not sharing in that pool. There is not a lot of money in the first place and to block three teachers from this doesn't seem wise to me. I would think we would want to think more about students as opposed to institutions and we would want to encourage any educator in this state to better themselves. So if we do go to a vote on this, I would vote against the motion which would be blocking teachers from this stipend. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report on this particular bill. The reason is we have been unable to fund the full amount of stipends that we would pay to the public schools. This would expand it to the private academies.

My view is that the private academies have sources of money that the public schools don't have. They should encourage their teachers to go through this process. Some of the tuition for private students going into those academies is in the \$35,000 and up range and we can't afford to pay the bill we have, so it doesn't make sense to me to expand it at this point. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 100 voted in favor of the same and 32 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 1:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Revise the Laws on Tournament Games
(H.P. 718) (L.D. 974)
(C. "A" H-179)

TABLED - May 16, 2011 (Till Later Today) by Representative **BEAULIEU** of Auburn.

PENDING - **PASSAGE TO BE ENACTED**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-294)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs"

(H.P. 892) (L.D. 1201)

TABLED - May 23, 2011 (Till Later Today) by Representative **WILLETTE** of Mapleton.

PENDING - Motion of Representative **PLUMMER** of Windham to **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

Subsequently, Representative **PLUMMER** of Windham **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative **CUSHING** of Hampden moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the Ought to Pass Report that is in front of you and would ask that you reject this Ought to Pass Report. The reason for that is that these so-called fees which are being held by the communities have been established for the purpose of creating a fund for counties to pay for extradition of prisoners who may have been apprehended in another part of the country in another state. This money is money that comes from the bail funds that may have been forfeited by people skipping out on their bail. That is the source of this money.

This money goes into a fund in each one of the prosecutorial districts and that amounts and they are allowed to keep up to \$20,000. The purpose of that fund is to provide for the costs of extradition. In other words, if the sheriff and somebody with him needs to fly to New Jersey in order to accompany a prisoner back here to the state or an accused individual back here to the state in order to stand trial, that's the money that is used to do that. Most of these prosecutorial districts have close to that \$20,000. Sometimes it drops if they've got a couple of folks who they need

to go and get or if there is two or three people who were at one time and the number that they need to send grows, the number of sheriffs and folks that need to accompany them grows, they may need to send quite a few people. This is a variable fund for the communities for the prosecutorial districts to keep and they can keep up to \$20,000. After \$20,000, anything in forfeited bail that they receive goes into the General Fund. We don't receive very much money from that because those funds typically get used.

What this bill proposes to do is two things. It proposes to increase that amount to \$40,000 that they can hold and the other thing it does is it proposes to allow the prosecutorial districts to use those funds for items other than extradition. It proposes to allow them to use them for prosecutorial costs and I would argue that there are a number of things that happen in court system for which people have come in front of our committee and said, well, all we need to do is add another fine, take another fee. Let's just put another fee on that or another cost and then we can provide, you name it, our security at the court houses, extra judges, more space, pay for different laws, and so there is a constant demand on these fees and fines that are accumulated for what their purpose is. This one is designed specially to allow these prosecutorial districts to use this bail money for whatever they decide, our so-called prosecution costs, and I think that's inappropriate.

We have, in the last term, heard this bill or a bill similar to this one which would have increased these amounts. But when we heard that bill, what we did is look across the eight districts and we gave those eight districts the authority to pool that money so that if one county was particularly hard-hit in a year, they could use money from another county and that has alleviated some of that pressure. I think this is a problem we have already addressed, number one.

Number two, I think that it's inappropriate to start picking and choosing which county expenses we're going to allow to be paid by these kinds of fees. This is an extradition account and it should stay that way. Just for your information, to give you some sense of what each one of the districts has in their extradition account and I can't tell you the exact date, but this was in a request provided to us recently in regards to this bill. District 1 has \$14,188. District 2 has \$17,184. District 1 is York, 2 is Cumberland, 3 which is Androscoggin, Franklin, Oxford, they have \$24,433. They should be remanding about \$4,000 of that to this state at this point. Kennebec and Somerset Counties have \$4,000. District 6 which is Sagadahoc and Lincoln have \$61,106. District 7, Hancock and Washington, they have \$21,038, and District 8, Aroostook, has \$19,629. It would occur to me that they have adequate funds for their extradition fees and I urge you to reject the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill I submitted after being elected. I met with local leaders, town managers and, in this instance, the district attorney from Aroostook, and we discussed quite a few bills that I've put in. This one is really important because it helps our county governments.

This year, which no one has really talked about, the state has cut the funding for witness fees so district attorneys are now having to decide do I prosecute this case now or do I kick it down the road or do I have to come up with some sort of plea deal because we just don't have the money to prosecute it. This, after discussing it with my district attorney, was a great option because this \$20,000 fund is a county pot of money that the state can't do anything about. They can't reach in and take it unless it goes over \$20,000, but neither can the county. In counties like

Aroostook and many of the counties the good Representative from Portland pointed out have multiple thousands of dollars close to the \$20,000 limit and they are just stuck there because they never have extraditions. We're having good money sitting there that isn't taxpayer dollars. This isn't appropriated money. This is money from people who have jumped bail, criminals who decided not to show up to court, and it's just sitting there not being able to be used.

With this bill that I put in, it allows the counties to get at that to help relieve some of the burden that our counties have financially and also to relieve some of the burden with the district attorneys. It helps them look at each case individually and decide and not have to look as much at the financial side of things and look at doing the best they can. They already are trying the best, but with the state cutting their funding they could definitely use an extra little bit of money. This bill isn't anything that is going to cut General Fund revenues. Like the Representative from Portland said, none of it goes to the General Fund unless it goes over \$20,000. This just allows that pot of money to be accessed and it's an appropriate use of that money because it is staying right in the judicial system, allowing the DAs to do their jobs better, and it will help save our counties money and give money back to the local government that we keep ripping off here in Augusta. Thank you, Mr. Speaker.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It may seem a little strange to people that I ask for permission to withdraw my motion. I did this out of respect to the Representative from Mapleton, Representative Willette, who really wanted to do this and wanted to have a chance to discuss the bill and potentially put an amendment on the bill. However, I remain opposed to the bill.

Not that the counties couldn't use the money, that the district attorneys offices couldn't use the money. In fact, I expect that they could, but my problem is and remains this account was set up for a specific purpose. This bill, if passed, would change the purpose of that account. From my perspective, it is an end-run around the budget. If the money is needed, it should be requested in the budget and it should be approved through the budget rather than take an existing account and recognize, hey, there is money in there, maybe we could spend this money for something else. That is the basis of my opposition to this proposal. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **MALONEY**: Thank you, Mr. Speaker. I'm wondering if anyone could tell me the position of the district attorneys and the Attorney General on this bill.

The SPEAKER: The Representative from Augusta, Representative Maloney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: The district attorneys have come out in overwhelming support. Two of them actually testified at the hearing. The Attorney General didn't weigh in, but I don't think it necessarily affects him. Your county commissioners, I've been on a lot of email chains as county commissioners have been emailing us here. They are in support of it. It just helps relieve the burden. This vote today is a vote to help our counties. By voting here we're going to be helping our counties. Thank you, Mr. Speaker.

Representative HARMON of Palermo **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't want to prolong this debate, but I think this is something that you folks ought to keep in mind as you vote on this issue and that is counties like Aroostook County and Washington County have an incredible burden that the rest of the state doesn't bear when it comes to getting witnesses to the court, especially in Superior Court at the time of trial. The distances are incredible as you all know. The fees still have to be paid. I see this as a way to alleviate part of that problem for the counties that are extremely rural, so I am voting in favor of the motion.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to just add a couple of points to the question that was asked by the good Representative. There was no position taken by the association. There were individual DAs who did come to the hearing. Second, I would remind people that if you look at the language of the bill, it does not define what that money can be used for. It does not define witness fees, nor does it describe any amounts. It simply said expenses of prosecution, and that seems very broad to me. Thank you, Mr. Speaker.

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

ROLL CALL NO. 93

YEA - Ayotte, Bennett, Bickford, Burns DC, Clark T, Crafts, Damon, Davis, Dow, Edgcomb, Espling, Fitzpatrick, Fossil, Foster, Fredette, Gillway, Graham, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knight, Kumiega, Long, Maker, Malaby, Martin, McClellan, McFadden, Morissette, Moulton, Newendyke, O'Connor, Olsen, Parker, Parry, Prescott, Rioux, Rosen, Sanderson, Sarty, Sirocki, Theriault, Tilton, Timberlake, Turner, Waterhouse, Willette A, Willette M, Wood.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Black, Blodgett, Bolduc, Bryant, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clarke, Cornell du Houx, Cotta, Cray, Crockett, Curtis, Cushing, Dill J, Dion, Driscoll, Duchesne, Dunphy, Eberle, Eves, Fitts, Flemings, Flood, Gifford, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Kruger, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Mazurek, McCabe, McKane, Morrison, Nass, O'Brien, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Treat, Tuttle, Valentino, Volk, Wagner R, Weaver, Webster, Welsh, Winsor, Mr. Speaker.

ABSENT - Boland, Briggs, Clark H, Libby, Nelson, Wintle.

Yes, 52; No, 92; Absent, 6; Vacant, 1; Excused, 0.

52 having voted in the affirmative and 92 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-346) - Minority (1) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Facilitate Local Food Production"

(H.P. 289) (L.D. 363)

TABLED - May 26, 2011 (Till Later Today) by Representative EDGECOMB of Caribou.

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

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

Reference was made to Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

(H.P. 822) (L.D. 1110)

In reference to the action of the House on May 23, 2011 whereby it insisted and asked for a Committee of Conference, the Chair rescinded the appointment of the Representative from Greenville, Representative JOHNSON, and appointed the Representative from Carmel, Representative RICHARDSON, as a member of the Committee of Conference on the part of the House.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Ensure That Children's Products Are Free of Cadmium"

(H.P. 385) (L.D. 492)

Unanimous **REFER TO THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in the House on April 12, 2011.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives

(H.P. 33) (L.D. 40)

Majority (9) **OULD NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on May 23, 2011.

Came from the Senate with the Minority (3) **OULD TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198) AND SENATE AMENDMENT "C" (S-169) in NON-CONCURRENCE.**

The House voted to **INSIST.**

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve the Health of Maine Students"

(H.P. 715) (L.D. 971)

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

EDGECOMB of Caribou
LOVEJOY of Portland
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law"

(H.P. 168) (L.D. 191)

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BERRY of Bowdoinham
BRYANT of Windham
HARMON of Palermo
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)** on same Bill.

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

BENNETT of Kennebunk

BICKFORD of Auburn

BURNS of Alfred

WATERHOUSE of Bridgton

READ.

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

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

Representative TUTTLE: Thank you, Mr. Speaker. If I were here for Roll Call No. 90, LD 1092, I would have voted yes. If I were here for Roll Call No. 91, LD 250, I would have voted yes. Finally, if I were here for Roll Call No. 92, LD 804, I also would have been voting yes, Mr. Speaker.

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

On motion of Representative HAYES of Buckfield, the House adjourned at 2:25 p.m., until 9:00 a.m., Wednesday, June 1, 2011.