

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

Appendix
House Legislative Sentiments
Index

Pages 1358-2163

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

UNFINISHED BUSINESS

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

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

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

- In House, 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)** on April 8, 2008.

- In Senate, 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**.

TABLED - April 14, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - FURTHER CONSIDERATION.

On motion of Representative PATRICK of Rumford, the House voted to **RECEDE**.

On further motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

Committee Amendment "B" (H-939) was **READ** by the Clerk.

Representative PATRICK of Rumford **PRESENTED House Amendment "A" (H-1023)** to **Committee Amendment "B" (H-939)**, which was **READ** by the Clerk.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment clarifies the provisions regarding the undue influence to include members of legislative leadership. The amendment also removes the provision that a Maine Clean Election candidate may not serve as a candidate's treasurer or deputy treasurer, and provides that if the candidate serves as the candidate's treasurer, they will be audited.

Mr. Speaker, what the undue influence provision does is that it provides definition that, if a person happens to be, say, if I was the CEO of Shalom House or something like that and I was on the Health and Human Services Committee, it wouldn't preclude me from being on the Health and Human Services Committee. What it would do is preclude me from lobbying the Health and Human Services Commissioner. If I was in the paper mill and I happened to be an environmental engineer that had to do with enforcing the standards that are set forth from the department, I still could be on Natural Resources and use my expertise, as I would hope I could, but the only thing I wouldn't be able to do is I wouldn't be able to lobby the commissioner directly, on behalf of my own employer. If I was the president of one of the community colleges or the major colleges, I wouldn't be able to lobby the commissioner directly for my college. In the even of any of the

three that I described, it does not preclude that I can't have someone, a subordinate under me, go and do my lobbying for me. It only precludes that individual from lobbying the commissioner that they are directly receiving compensation from. If I am an employer of NewPage, I can't lobby for NewPage. I can lobby for all paper mills in the State of Maine, so to me, this does something that we shouldn't be doing in the first place. It doesn't even pass the straight-faced test.

The other issue that it brings up is many of the candidates have brought forward that they want to be their own treasurer. They have been their own treasurer, I have been my own treasurer for all four of my campaigns or I have been the deputy treasurer, and I have had someone that was a figurehead, like a lot of us do, that is a prominent person in the thing. One of the things that the Ethics Commission does is they audit a lot of our campaigns, so this isn't anything new that they don't do, but we took a look at and said, well, this is public financing versus private financing and people think that the standard of public funds should be held to a higher standard, and I agree with that. I don't think anyone in any campaign—well, I can't say that—maybe a couple of campaigns over the last eight years, there has been some shenanigans going on, and when it was brought forward they paid the penalty, and I don't think any decent candidate is going to worry about getting audited because all we are going to do is fulfill the obligation that we put forth when we did. I would urge your support of this and the rest of the bill. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-1023)** to **Committee Amendment "B" (H-939)** was **ADOPTED**.

Representative BRYANT of Windham **REQUESTED** a roll call on **ADOPTION of Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** thereto.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 424

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Nass, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Joy, McLeod.

ABSENT - Berube, Blanchette, Burns, Carey, Duprey, Emery, Farrington, Fischer, Fisher, Greeley, Haskell, Moore, Muse, Norton, Rines, Smith N, Weaver.

Yes, 131; No, 3; Absent, 17; Excused, 0.

131 having voted in the affirmative and 3 voted in the negative, with 17 being absent, and accordingly **Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Bill "An Act To Amend the Charter of Northern Maine General" (S.P. 930) (L.D. 2322)

Committee on **HEALTH AND HUMAN SERVICES** 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**.

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

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

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

Non-Concurrent Matter

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics" (H.P. 1585) (L.D. 2219)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY HOUSE AMENDMENT "A" (H-1023) thereto in the House on April 15, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY SENATE AMENDMENT "A" (S-601)** thereto in **NON-CONCURRENCE**.

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

On motion of Representative NASS of Acton, **TABLED** pending the motion of Representative CUMMINGS of Portland to **RECEDE AND CONCUR** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 787)

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

April 16, 2008
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Today the Senate Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend Motor Vehicle Laws" (H.P. 1459) (L.D. 2075).

The President appointed the following conferees to the Committee of Conference:

Senator BRYANT of Oxford
Senator DAMON of Hancock
Senator RAYE of Washington

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

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (EMERGENCY)

(H.P. 1436) (L.D. 2052)
(C. "A" H-795)

FINALLY PASSED in the House on April 1, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795) AS AMENDED BY SENATE AMENDMENT "B" (S-649)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

(H.P. 1510) (L.D. 2131)
(C. "A" H-734)

PASSED TO BE ENACTED in the House on March 19, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734) AS AMENDED BY SENATE AMENDMENT "A" (S-646)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Alternative Education Programs Committee

(H.P. 1661) (L.D. 2303)

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

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-647)** in **NON-CONCURRENCE**.

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

ORDERS

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1685)

WHEREAS, the Joint Select Committee on Future Maine Prosperity was directed by Joint Order 2007, H.P. 1018 to develop a comprehensive plan to achieve sustainable prosperity in the State; and

WHEREAS, the report of the committee contained findings and recommendations for consideration by various committees of the Legislature; now, therefore, be it