

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-865)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

**BILLS IN THE SECOND READING**  
**House as Amended**

Bill "An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1566) (L.D. 2196)  
(C. "A" H-865)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

(H.P. 1651) (L.D. 2289)

Sponsored by Representative FISCHER of Presque Isle. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Representative CUMMINGS of Portland moved to suspend the rules to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative TARDY of Newport **OBJECTED** to suspension of the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to suspend the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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 Newport, Representative Tardy.

Representative **TARDY**: Thank you, Mr. Speaker. I rise to pose a Point of Order.

The SPEAKER: The Representative may proceed.

Representative **TARDY**: Thank you, Mr. Speaker. Given the House and Senate action on LD 2173, which was the budget document that we worked on last week, my question is: Is this LD, LD 2289, is this properly before the body?

Representative **TARDY** of Newport asked the chair to **RULE** if the Bill was properly before the body.

The SPEAKER: In response to the Representative's question, it is a fair question. The question is: Is this bill duplicative of a bill that we had done on Thursday? There are two reasons why it does not fall, in the Chair's opinion, in that category. First of all, the other bill that the Representative from Newport referenced remains un-acted upon in the Senate;

therefore, it has not been acted upon in any final way by the Legislature. Secondly, this particular bill strips out a significant amendment that was in the Thursday rendition, or draft, of this substantive piece of our original bill. For those two reasons, the fact that the original bill has not been acted upon and because there is a major substantive change, the Chair would rule that it is in fact properly before the body, although it is a fair question.

Subsequently, the chair **RULED** that the Bill was properly before the body.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Because we have before us a bill without reference, a 400-page document, I ask the Speaker to pose the question: Can anyone in the House guarantee me and guarantee the rest of us, what the specific, accurate changes are from one 400-page document to another? This document just came on my desk, it is still warm. Can anyone tell me the page, the specific items that are different from one document to the other, so that we do not have to read this entire document? Thank you.

The SPEAKER: Representative, also a fair question. The pending motion though is not debatable. The pending motion right now for the House to deal with in a roll call is in order. Is the suspension of the rules for the purpose of giving this bill a second reading without reference to any committee? That must be dealt with first.

The SPEAKER: A roll call has been ordered. The pending question before the House is to suspend the rules in order to give the Bill its First Reading without reference to a committee. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 281**

YEA - Babbidge, Barstow, Beaudette, Beaudoin, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Schatz, Silsby, Simpson, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

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

ABSENT - Adams, Berry, Blanchard, Bliss, Duprey, Fitts, Fletcher, Hinck, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Smith N, Walker.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, and accordingly Joint Rule 308 was suspended and 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**.