

MAINE STATE LEGISLATURE

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pages 1 - 1067

69 having voted in the affirmative and 76 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

Subsequently, the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-138) 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-138)** in concurrence.

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

Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

(H.P. 251) (L.D. 309)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **FURTHER ACTION**.

Representative CURTIS of Madison moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

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 Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have great frustration with the posture of this bill. Putting the policy aside, which I have great concerns about as well, the posture of the bill, to me, is frustrating.

This bill was brought in like any other bill. It was referred to a committee like any other bill, and like any other bill we waited for it to have a public hearing and then it didn't, and then it didn't some more, and then it still didn't and it appeared on the calendar again recently, pulled from committee under the rules with no clear understanding of why. It is now going back to committee and a public hearing has been scheduled for next week, from what I understand, should it get there.

I think we should defeat this motion and we should move on to the earlier motion and try again at Indefinite Postponement of this bill. This bill is bad policy that has now taken a very circuitous route to go back to where it started in the first place, again, with no clear explanation why. And so I urge the body to vote against this motion to Commit and move on to a motion to Indefinitely Postpone, so that we can do with this bill, we can keep this bill out of the process that it was pulled from in the first place without explanation. Thank you, Mr. Speaker.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **GOODE**: Thank you. I just want to check with maybe members of the committee or people who are more intimately involved with the process. It seems to be that when there are more controversial or confusing bills, they are often

held over to the second session, the short session. I was wondering if anybody could explain why this bill was not held over until next year, if the committee wasn't able to work on it this year and have the appetite to do so.

The **SPEAKER**: The Representative from Bangor, Representative Goode, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, may I pose a question to anyone who may care to respond?

The **SPEAKER**: The Representative may pose his question.

Representative **MARTIN**: Since this bill has been on the table, I would pose a question as to what has changed and why are we suggesting now that it go to committee? I'd ask someone to respond to that question.

The **SPEAKER**: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: The silence is deafening and obviously there is a motive for going to committee at this point since it was taken out of the committee and brought to the floor. So I wonder what is the game that is being proposed for us today and why is it now that this proposal is being made?

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. It is my understanding that a bill on a fairly substantial issue was heard last week by the Education Committee and I'm concerned that this bill may suffer a similar fate.

At that hearing, essentially two members were present. They were both members of the other body. This body was not represented at that hearing. Subsequent to that hearing a work session was held where there was a 27-page amendment put forward. The public had no opportunity to weigh in on that amendment.

I'm hoping that someone can give me some assurance that this bill, this late in the session, wouldn't suffer a similar fate, and that the public would be given the full opportunity to weigh in with all members of the committee having the opportunity to be there and not be here in the chamber.

The **SPEAKER**: The Representative from Bowdoinham, Representative Berry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm just concerned about the whole process here. This bill was referred to committee on February 3rd and we've been working diligently all along. We've had public hearings. We've had over 100 bills. When we got to May, we were told to rush. Rush, rush, rush. Let's get this stuff done. We've got to get this stuff out. We worked later in the day. That was fine, I had no problem with that. We got everything out that we were supposed to get out because we wanted to be done on time.

Now I hear that the public hearing is to be on June 2nd. Let's look at the timeline. We're expected to be out of here June 8th. That's what I see on the calendar. We're going to have the public hearing on June 2nd, that's a Thursday. We're going to go over the weekend, we're going to have some sort of work session, hopefully, at some point, and we're supposed to talk about it for

two days and then adjourn. I just don't understand that. This is a fairly big piece of legislation. It deserves proper attention, it deserves proper vetting, and that timeline just doesn't make sense. That gives us six days. Six days to hear it, analyze it, digest it, talk about it, vote on it, send it back to the House, vote on it, send it down to the other body, vote on it, send it back in concurrence. This doesn't make sense. It seemed awfully rushed and I am concerned. I am alarmed.

I hear rumors that there is an amendment. I haven't seen an amendment. I can't even pre-educate myself. So I hope – I don't see why we're doing this. If it's something we really want to talk about, hold it over. We had that opportunity. I just don't understand. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

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

The SPEAKER: The Representative may pose her question.

Representative TREAT: I have a question for anyone who may answer, Men and Women of the House, which is why this bill, having been referred to the committee in the early days of February, it was not scheduled for a public hearing, if anyone could answer that question.

The SPEAKER: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

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

The SPEAKER: The Representative may pose his question.

Representative MacDONALD: Given my sense of not knowing at all how this happened, in all the years that I've been here I've never seen this happen before, could anyone in the body answer why this was pulled from the committee in the first place and brought to the floor here? Thank you, Mr. Speaker. Why was it pulled?

The SPEAKER: The Representative from Boothbay, Representative MacDonald, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative WAGNER: Thank you, Mr. Speaker. I want to express my dismay of what's going on here as well. We did have a substantial bill appear before the Education Committee a little over a week ago. There was a public hearing, the room was packed with people, and within about 15 minutes all members of the House had to disappear from this public hearing, return to the chamber, and those 100/150 people have to have been disappointed, perhaps really dismayed about the process taking place here. They had come to testify. We should have been there to be able to listen to them. It was a rushed process. We didn't end up coming up with a bill, but my fear is that it really did not receive the hearing that it should have and the consideration by us, and I'm afraid that's going to happen again. Thank you, Mr. Speaker.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise. I think the last time we started this bill I think we had to get the Civic Center because there were so many people that wanted to testify on it. You know I've always been a member, and I'm a former chair, of this committee and have always tried to be nonpartisan to a fault. You know I've paid my prices for that. But I can tell you that what I see here is something, you know it shouldn't happen.

I'm wondering, you know we've got a small room down there, we've got a small room, and I'm wondering whether we're going to be able to get the people there. I think from a logistics perspective, I just think, in all honesty, there could be a much better way. And I think that when we go home we don't only represent Republicans and Democrats, we represent the people of Maine. I think by doing this, we do them a disservice.

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

Representative CUSHING: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to express my thanks to the members of the body who have just spoken on this and raised their concerns.

I think it's valid that we have a fair and open debate here, and, in this particular instance, that's precisely what is lacking. There has not been a public hearing to offer an opportunity for members of the public to express themselves on this issue. Unfortunately, due to various circumstances, this bill ended up back on our calendar due to the requirement of the rules. It perhaps would have been better to be in a different posture, but it's here before us now and what we're asking of this body is to give due consideration as we ask of all bills that are brought in the first session. We're asking this body to send this back to the committee of jurisdiction for the courtesy of a public hearing.

I respect some of the concern with our schedule. I'm certain that those who are participating in other processes related to legislation before us also carry that weight, as does, I think, the Appropriations Committee. And we'll look forward to that spirit as we move forward with other issues of importance here, because I think many people in this body who have spent time here know the frustrations when we don't have the opportunity to clearly hear issues that affect the public. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Obviously we're not going to get the reason, so I will give you the reason. It is my understanding that this is the result of the administration, as a result of that attorney from New York or Washington or wherever he's from, in order to pass this to prevent state employees from negotiating on their rights. So by passing this bill, they would not need to sit at the table to negotiate fair share and other issues. Why we're not being told that, I don't know, but that is the reason. So for those of you who support state employees, you've got to know the purpose of what we're doing now. It is that simple.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative GOODE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to oppose sending this back to committee. I feel like none of the questions have been answered sufficiently at this time and while I respect my colleague from Penobscot County, Representative Cushing, I'm very concerned about the public having time to weigh in on this bill. It seems to be that there's a pattern of not giving the public time to understand issues that we're dealing with before we vote on them, and it's very troubling to be told that having a hearing on June 2nd and potentially voting on the bill on June 8th is due consideration.

I think members of this body who are involved full-time on an intimate level on this issue, we can maybe understand in a few days, but there is obviously major concern from the public on this type of issue. And to have such a quick turnaround time seems consistent with the pattern of the Legislature to move things very quickly, without having members of the public understand what

the issues are before we're voting on them and have time to have their voices heard. So I will be opposing sending this back to committee.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think I may be the only member of my caucus to not be shocked by this. Essentially, this bill short-circuits the rights of public employees to collectively bargain and by waiting until the eleventh hour of our session here – we've been here for months – we are essentially short-circuiting the process by which we eliminate those rights, again, at the last minute.

I do not believe the public will have the proper opportunity to weigh in. I do not believe that while the sun is shining, that we are letting any sunlight into this body. But then again, why should this be any different than any other major substantial public policy that we have "debated" on the floor of the House? I want to thank folks for short-circuiting the rights of our public employees and I want to thank them for short-circuiting the process by getting there, because at least, for once, we are consistent. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my understanding that most bills that got committed to a committee should have two weeks notice, in public newspapers and things of that nature. If we commit this to the Committee on Labor, CRED, whatever it's called these days, there probably won't be all that much notice, if any, to the public about the public hearing. So I object to the motion. I object to the bill too, but the motion itself is also very objectionable to most people. I really think the public should be notified when we're going to have a bill with substance, such as this especially. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Orono can tell you, because we both served on the Education Committee in 2005, that a school consolidation bill was pulled from the Education Committee with no reason given. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Fair and open debate. I thank the floor leader from Hampden for bringing exactly the issue that I'm concerned upon in this debate here. In fact, all three issues, fair and open debate. There is no debate here. There are questions that haven't been answered. There wasn't debate on a previous bill where the procedure wasn't followed, where the House Rules weren't followed. Open? What happened since the beginning of February?

The two-week lead time was mentioned. Again, all of these things go to the open process that we have here. Why are we doing committee work at the same time that session is going? Typically when a bill is referenced in February, it is worked in March, we do sessions for four hours a week so that we can focus on our committee work and give it the time and attention it deserves.

So I guess this raises a fair point. As I understand, the Representative had intended to answer the question of why are we dealing with this now? It is about a fair and open debate, it is about the process, it is about making sure that the people of Maine are represented by the people here. So I ask the

Representative or any other Representatives or Mr. Speaker why we're dealing with this now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Macdonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have to say as someone who has listened to previous debates in this chamber this year, that the sudden commitment to process and moving this bill back to committee rings hollow in light of what happened with LD 1333 a couple of weeks ago. I just don't get it.

I think that this late in the session, with notification problems and with the rush to get the budget through and other major bills that have been properly heard, the only proper action to take in this case is for this bill to be carried over and then maybe the majority can get what it wishes in this case. But if it goes through with a bad process, as it looks like is going to happen if we commit this to Labor, I think the bill will be forever stained by that bad process. I recommend, I plead with you, all in this chamber to stop this process now. Indefinitely Postpone or carry this bill over so that it can be dealt with properly. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McKANE**: When this provision, this fair share provision was first enacted, did it have a separate public hearing or was it pushed through with a budget or an executive order?

The SPEAKER: The Representative from Newcastle, Representative McKane, has posed a question to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, if I'm not mistaken, I think that the bill we're debating now is a Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State." I don't know if that question pertains to the bill that's before us.

The SPEAKER: The Chair feels he's given wide latitude to the discussion on this issue, but thank you for raising the question. The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose sending this bill to committee. This bill went to committee already in February where it sat for several months. I respect the points made by the Representative from Hampden that the public hearing is the opportunity to have the public weigh in and to have a fair hearing on it. The opportunity to do that was in February or in March or in April or in May. That was when there was the opportunity to do that.

The committee, having done nothing on that bill for whatever reason, fell under the Rule 309. Rule 309 says that "The President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee and each committee shall, after receiving notice of the reporting deadlines, report its bills and resolves out of committee to the floor for consideration in accordance with those deadlines." So I have to ask, if I may, through the Speaker to anyone who may answer.

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: What did the members of that committee or the chairs of that committee do in terms of communicating to the presiding officers that they were unable to meet the schedule, apparently, and what communications went

back and forth before the presiding officers invoked Rule 309 and took the bills out of committee, because they had not been through a public hearing and had not been worked.

The SPEAKER: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Haskell.

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

The SPEAKER: The Representative may pose her question.

Representative HASKELL: Thank you very much, Mr. Speaker. It appears to me that this matter truly involves many of our state employees. If a state employee wished to request time off, personal time, in order to be available for a hearing, how far ahead of that would the state employee have to request that time off? It appears to me that if we rush this through, it might be precluding folks from the opportunity to get personal time off in order to be available to be heard in a fair and open manner. And I wonder if anyone knows the answer to the question about what it would take for a timeline for a state employee to have the personal time available, to come to the State House and be heard on this important matter to them?

The SPEAKER: The Representative from Portland, Representative Haskell, has posed a question through the Chair to anyone who may care to respond.

Representative MARTIN of Eagle Lake moved that the Bill be **TABLED UNASSIGNED**.

Representative CUSHING of Hampden **REQUESTED** a roll call on the motion to **TABLE UNASSIGNED**.

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

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

ROLL CALL NO. 84

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

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, 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, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Driscoll, Priest, Wintle.

Yes, 70; No, 77; Absent, 3; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 3 being absent, and accordingly the motion to **TABLE UNASSIGNED FAILED**.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's interesting when we have these discussions so late in the session. Having been here before, you know it reminds me a little bit, the work we do at the end of session when we do rush, intentions are high. It reminds me a lot of like when I keep my children up late at night, keep them up past six thirty or seven o'clock without feeding them. I just question the work we do, rushed at the very end, and I compare it to sort of their mood as well. So I'll be voting against this.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't repeat the questions and the comments that have already been made. I, too, am concerned about the process and simply would like to point out to my colleagues, thinking about fair and open discussion, that such notice as we will have to the public will take place over a major holiday weekend when most of the citizens of our state will be traveling and probably will never hear our announcement.

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 in opposition to this motion, but I actually rise because I want to tell you how saddened I am that this body has taken this turn. Since 1333 was debated – or not – on the floor the partisanship is palpable. I come here as someone who planned as a freshman legislator to reach across the aisle as often as I could, and I just have to say that this is painful, for not just me but, I think, the entire body and the people whom we serve. It's not the way I thought I would be serving the people of Maine. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having been involved in the public hearing, if you'll call it that, that took place in Education, I find this one to be even more difficult to justify. We talk about debate. We cannot debate if one party refuses to or can't. I would urge everyone in this chamber to save us time the next time that this comes up. Let's all go down and sit in on the committee meeting. It will save us a lot of time on our so-called debates.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We're legislators. We're down here until June 8th, June 15th. We have a job to do.

I sit on the Appropriations Committee and we recently had a change package come into the Appropriations Committee, and we're having to deal with those issues at the time we're trying to work on a budget. One of those issues is MPBN and the funding of MPBN. I probably have gotten more emails on MPBN and more lobbying in a week's notice than any other issue that has come before the Appropriations Committee, more than the pension issue.

So I think one of the issues that we have here is that there was the complaint that other bills did not have an opportunity to have a hearing. This is notice that there is going to be a hearing. It's seven days, by my count, from today until June 2nd, I think. Seven days.

We've all read the newspapers. We all know what the issues are this session. This isn't a new issue that's just come up today.

We know what the issues are. There is plenty of notice. With the internet there's even more notice. The building is filled with lobbyists. We know what the issues are, and yes, the issue is going to be put before a committee and it's not the perfect time of year. But we're legislators. We need to do the work of the people.

I believe that Representative Tuttle indicated that he thought we needed a bigger room. I would suggest that we find a bigger room. We should accommodate whatever needs there are to have a proper hearing, and then to debate this issue in this House as legislators. That's what we're here to do. Not to put things off until the next year. Let's be here and let's do the work of the people. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. I was just noticing Joint Rule 305. It reads: "At the beginning of the regular session, the presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Committees may meet only on authorized meeting days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day in the State House and the Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted."

"Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers."

Mr. Speaker, I would appreciate it if when you do approve the hearing not being advertised in advance, that you notify us that both presiding officers have agreed to that exception. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the pending motion and I just want to speak very personally to, this sounds very silly I guess, but I want to speak very personally to my feelings about rules and the Joint Rules specifically.

I came to this Legislature a lot younger than I am now, around the age of a lot of the members of my caucus. There was a time before that I actually came up here a lot as a citizen and other lobbyists working on environmental issues and other things. At that time, bills were scheduled for work session without any public notice at all. Even as a lobbyist I had to run around and just try to find out, often from people lobbying on the other side. We often said, you know, there is honor among lobbyists. They would tell me, you know, hey, this bill's being taken up, there's going to be a work session on this bill that you care about, maybe you want to get into this room over there and find out what's going on.

There are a lot of things in our Joint Rules that were not in our rules, that in 1990, 1991, 1992, the whole budget process involved the committees of jurisdiction in a very formal way in reviewing the budget and reporting back to the Appropriations Committee. That's in our Joint Rules right now. Where did that come from? It came from that time when we had a huge budget fight and people like me, I was like one of these young people that said these rules aren't right, the committees ought to be involved, the rules should reflect the jurisdiction of those

committees. We rewrote the rules and we now have rules here in the State of Maine that I believe are the envy of many legislators around the country, because these rules promote transparency, they promote bipartisanship. We do not have rules that allow the chairs of a committee to bottle up a bill in committee and not report out to the floor. We do not allow that in this committee, in this Legislature. We give a lot of power to the body as a democratic institution and not merely to the people who are in the positions of power, whether they be chairs of committees or presiding officers. We elect our leadership and that leadership has not been appointed by everybody else. I mean we elect our Speaker. The Speaker doesn't appoint who is the majority leader and all of that, and there are places where that is the case.

I think these rules are really important and they are important because they reflect our values as citizens of the State of Maine, a place that has not been a place that has promoted partisanship, a place that has elected two independent governors, a place that respects people working across the aisle, a place that respects the citizens' institution of the Legislature. What I see happening here seems to be some sort of gaming of these rules in a way that for whatever reason makes sense to the majority party to take a bill that was grabbed from committee where nothing happened for a period of four months.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing, and asks why the Representative rises.

Representative **CUSHING**: Thank you, Mr. Speaker. I rise for a point of order. I believe it's appropriate to address the Chair and I'm wondering for a ruling as whether this is germane to the motion before us.

On **POINT OF ORDER**, Representative CUSHING of Hampden asked the Chair if the remarks of Representative TREAT of Hallowell were germane to the pending question.

The SPEAKER: The Chair has given wide latitude to the debate and I will continue for the present. I would ask that the speakers address, face, and present their comments to the rostrum and not to the members of the House. The Representative may continue.

The Chair reminded Representative TREAT of Hallowell to stay as close as possible to the pending question and to address her remarks to the Speaker.

Representative **TREAT**: Thank you very much, Mr. Speaker. I do believe it's very germane because we are debating now whether to commit a bill to a committee where it resided for four months without anything happening, for some reason, and then was, by order of the presiding officers, removed from that committee and not, I might add, in a way that is parallel in any way to the consolidation bill which, as I recall, had been worked and worked and worked and worked and worked in that committee and then it went over the deadline for action and then that bill was taken out of committee because at some point the presiding officers said get it out, this has gone on long enough. That is usually what happens when bills come out of committee in that manner. It's very unusual to have a bill that was never scheduled for public hearing, sort of taken to the floor, unless there's some sort of tacit agreement, I guess, that it's best not to have a public hearing and deal with the bill. I don't know.

I think I just really, I guess, share the feelings of the Representative from North Yarmouth, Representative Graham, who could say as a freshman legislator, who could come and say "Look I still am idealistic. I know I'm here, I came here to do this." I am saying now I continue to have that belief that we are here to work together and respect the institution, regardless of how many years I've been in this place. I would hope that you will join me in voting no on the pending motion because it is not an appropriate

motion at this time. I don't know why it is happening, but it is not being done in a way that honors the institution and the democratic system that we have.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Labor Committee. I knew this bill was referred to us, this and another light bill, but I asked my committee chairs many times, in March, in April and now in May, when are we going to have this bill before us? Each time I was told that leadership has not given a direction on this. Maybe it was because it wasn't a priority. But all of the sudden, nine working days before we have statutory adjournment, this becomes a priority. Why are we to rush through a decision at this time? Why can't we hold this over until the next session? I will be voting no on this pending motion.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Macdonald.

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask a question related to the schedule on this bill. I'm looking at Rule 312 which talks about the requirements for fiscal notes on our bills. It says every bill or resolve that affects state revenues – and I assume this might do that – every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Leave to Withdraw" must include a fiscal note prepared by the Office of Fiscal and Program Review. It goes on to say the Office of Fiscal and Program Review has to have sufficient time in order to prepare a fiscal note and that the Office of Fiscal and Program Review shall be provided with a copy of all testimony and other materials received by the committee whenever the committee recommendation is other than "Leave to Withdraw," unanimous "Ought Not to Pass." The fiscal note must accompany the committee report before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

So I ask a question, in all due seriousness, Mr. Speaker, even if a hearing is held next Tuesday, how will the Office of Fiscal and Program Review have sufficient time to prepare a note on a bill such as this, given its seriousness and its implications? Again, I think that these kinds of questions raise the whole issue of whether or not we shouldn't, instead of committing this back to any committee at this late date, whether or not we shouldn't be carrying it over to the next session of this Legislature. Mr. Speaker, I strongly recommend that that's the direction we should be taking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues and Friends of the House. I am a freshman legislator and I came here with other freshmen legislators. Many of us came here because we wanted to improve upon the activities that we perceived taking place here in Augusta. Not all of us were pleased with what we had been seeing. Many of us thought that maybe we could bring something of value to the process, and I am very sad today that the dignity, that the dignity of this chamber is seriously compromised when we don't keep

foremost in our minds and actions the needs of the people of our state and their need to be heard and for us to be doing their business. Thank you, Mr. Speaker.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've finally found the answer to the question that I asked previously. This provision never received a proper hearing and now it will if we commit it back to Labor. This provision was included in the Biennial Budget of 2005 through a labor contract. That was done that March, and by the way, it was a partisan budget, a majority budget. It was that parliamentary trick that we do sometimes in this body. This is an issue that's bothered me for a long time. The state employees were not included in the decision to take this money out of their checks and it's time that it goes back and finally has the hearing that it should have had a long time ago. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. I apologize for rising again. Ladies and Gentlemen of the House, I would hope this is going to have an exception for our notice to the public, which is unfortunate. I would like to request, if possible, Mr. Speaker, that you work with the committee chairs and the leadership in the other chamber to assure that this public hearing gets as much advance notice as possible and, if at all possible, be held when we are not in session so that in fact those of us who would like to be there will be able to do that without missing votes here on the floor.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Labor, Commerce, Research and Economic Development. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 85

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

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

ABSENT - Driscoll, Flood, Priest, Strang Burgess, Wintle.

Yes, 74; No, 71; Absent, 5; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and sent for concurrence.