

# 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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't understand this. Because if I understand this amendment correctly, we are binding future Legislatures in the way that we fund the State Police from the Highway Fund and the General Fund that I didn't think we were allowed to do. Also, we are going to borrow money on that assumption, and I am just wondering how that all works, Mr. Speaker.

The **SPEAKER**: The Representative from Ripley, Representative Thomas has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Currently, we bind future Legislatures to the 60:40 ratio that is in place for the State Police funding—60 percent Highway Fund, I alluded to this earlier as well, 40 percent General Fund. In 1790, there was legislative intent language in there that said that this body's intent—and we are now acting on that intent—was to go to, what we felt was, a more appropriate 51 percent General Fund, 49 percent Highway Fund. I hope that addresses the first part of the answer.

I think as far as funding mechanism, that given the history of the funding for the General Fund, the Highway Fund, that it is a pretty good revenue stream to build this product on. I think that the policy piece that we really want to focus on is truly the road needs. We can argue over the philosophy versus the need, and I truly believe the need wins every time. Every one of your constituents will see dramatic improvements in the roads from this point forward. Actually, I have one legislator and I appreciate him saying it, saying in the last week, we have probably done more for roads and bridges for the State of Maine than we have done in the last few years that I have served on this committee. I know I am term limited, I won't be able to see these projects through fruition, but I truly believe what we are doing here tonight is going to make dramatic improvements in our state's highway, safety and our economy. Thank you.

**House Amendment "A" (H-1040) was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1040) in NON-CONCURRENCE** and sent for concurrence.

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

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

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED.**

Representative **FARRINGTON** of Gorham **PRESENTED House Amendment "G" (H-1041)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment does two things: The first is it removes the Emergency Preamble from

LD 2323, and second and more substantively, it adds language that this body has already approved. The entire text of House Amendment "G" is the text of LD 2280, which this body passed, also known as "bucket bill a" from the Education Committee, it passed here; it has become stalled in the other body, but its legislation that includes some absolutely essential changes to the school consolidation law. These are important to get in place for all districts, not just those districts that are reorganizing.

This is, I think, familiar ground because we have already acted on it. But just as a reminder to folks, what was in that bill and what is in this amendment: It adds additional times for districts; it extends the deadline for voting on proposed consolidations until the end of January '09; it makes numerous improvements to the budget validation process; it clears up some things that were unclear in the law; it extends some of the timelines for absentee voting and so on. It includes some necessary language on debt service for career and technical education centers that was left out of the original bill; it replaces one of the penalties for districts that vote against consolidation; it replaces a confusing and difficult to calculate penalty with one that is much more clear and easily calculated. Finally, it directs the Department of Education to come to the next Legislature, the 124th in December of this year with recommendations for legislation to address districts that have done due diligence, have done everything that they could to consolidate and comply with the law but have not been able to reach a 1,200 student minimum. So that is a very important provision, particularly given a number of the amendments that we have looked at this evening. For all of those reasons, this is an act that we have already endorsed as a body, it is essential, again, to everybody, whether reorganizing or not. I would encourage all of you to vote in favor of adding this amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "G" (H-1041) was ADOPTED.**

Representative **CLARK** of Millinocket **PRESENTED House Amendment "F" (H-1039)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I offer this friendly amendment as a compromise, somewhat, to all the difficulties we have had in the last year or so, of this, what I call a runaway train that is speeding down the road and nobody wants to put the brakes on.

I think a lot of us have had a lot of influence back home on how these meetings have been going on and nobody seems to have the answers. I have been to a number of meetings; even the facilitator didn't have the answers to some of the questions being asked. I still think this is a runaway train, I think we need to put the brakes on and slow it down, and I think this is really a friendly amendment to all of us to give us some time to deal with. Mr. Speaker, I offer this amendment. Thank you very much.

Representative **PINGREE** of North Haven moved that **House Amendment "F" (H-1039) be INDEFINITELY POSTPONED.**

Representative **CLARK** of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1039).**

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 Indefinite Postponement of House Amendment "F" (H-1039). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 451**

YEA - Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Carey, Casavant, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Nass, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Prescott, Priest, Rand, Rector, Rines, Samson, Simpson, Sirois, Smith N, Strang Burgess, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Hogan, Johnson, Joy, Lewin, Lundeen, Marean, McFadden, McLeod, Perry, Pinkham, Pratt, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Trinward, Vaughan, Walker, Weaver.

ABSENT - Berube, Blanchard, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Muse, Peoples, Pineau, Tibbetts, Weddell.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly **House Amendment "F" (H-1039)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "G" (H-1041)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**ENACTORS**

**Emergency Measure**

An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services

(H.P. 1466) (L.D. 2080)

(S. "A" S-658 to C. "A" H-989)

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

Representative WATSON of Bath **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 452**

YEA - Adams, Annis, Austin, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchette, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Makas, Marean, Marley, Mazurek,

McDonough, Millett, Mills, Nass, Norton, Pendleton, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Babbidge, Berry, Boland, Burns, Cleary, Edgecomb, Fischer, Gifford, Grose, Jackson, Joy, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Miller, Percy, Pieh, Prescott, Rines, Sutherland, Theriault, Thomas, Watson.

ABSENT - Berube, Blanchard, Conover, Duprey, Emery, Fisher, Greeley, Jacobsen, Miramant, Moore, Muse, Patrick, Peoples, Pineau, Tibbetts, Weddell.

Yes, 108; No, 27; Absent, 16; Excused, 0.

108 having voted in the affirmative and 27 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolves**

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth

(H.P. 1092) (L.D. 1567)

(S. "A" S-670 to C. "B" H-652)

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

**Acts**

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)

(S. "A" S-672 to C. "B" S-400)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 453**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Nass, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward,