

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

- In House, Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)** thereto on June 1, 2009.

- In Senate, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**. **TABLED** - June 2, 2009 (Till Later Today) by Representative PIEH of Bremen.  
**PENDING - FURTHER CONSIDERATION.**

Subsequently, on motion of Representative PIEH of Bremen, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

(H.P. 970) (L.D. 1380)  
(C. "A" H-429)

**TABLED** - June 3, 2009 (Till Later Today) by Representative TRINWARD of Waterville.  
**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative TRINWARD of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-429)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-529)** to **Committee Amendment "A" (H-429)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just would like to very briefly explain the amendment. The amendment was brought to our attention that there would be gubernatorial candidates that would be interested in using the new regulations or new restrictions for seed money and would like to start being able to collect their seed money this summer. It makes perfect sense that if you are running for Governor, and you were allowed to raise more seed money, that you would be allowed to start collecting it earlier. So this would put an emergency preamble on this bill so that people could start their campaigns as soon as the summer.

The second piece that we did was we moved the date back to April 1st, when your signatures are due at the Commission's Office. This gave the commission extra time to get their gubernatorial signatures done before they started receiving legislative signatures for Clean Election money. So what we failed to do was to add the two weeks we took away at the beginning, so what we've done is change the beginning date for collecting signatures to start two weeks earlier and to end two weeks earlier. Thank you.

Subsequently, **House Amendment "A" (H-529)** to **Committee Amendment "A" (H-429)** was **ADOPTED.**

**Committee Amendment "A" (H-429)** as Amended by **House Amendment "A" (H-529)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-429)** as Amended by **House Amendment "A" (H-529)** thereto 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 **SPEAKER:** The Chair recognizes the Representative from Belfast, Representative Giles, who wishes to address the House on the record.

Representative **GILES:** Yes, on the following roll calls, and you may want to help me out because I haven't missed a session yet, I was absent on Friday and on Roll Call No. 200 for LD 253, I would have voted yea. On Roll Call No. 206, LD 1088, I would have voted nay. On Roll Call No. 202, LD 1205, I would have voted nay. On Roll Call No. 205, LD 1264, I would have voted nay. On Roll Call No. 201, LD 1392, I would have voted yea. On Roll Call No. 203, LD 1438, I would have voted yea. And Roll Call No. 204, LD 1485, I would have voted yea had I been present. Thank you.

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The House recessed until 2:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for One Year (EMERGENCY)

(H.P. 225) (L.D. 285)  
(C. "A" H-352)

Which was **TABLED** by the Speaker pending a **RULING OF THE CHAIR.**

The **SPEAKER:** The Chair has carefully considered the matter pending ruling as to the germanous of House Amendment "A". On the question of germanous, the Chair is bound by House Rule 506 which simply requires that an amendment must be germane to the proposition under consideration, and by Section 402 of the parliamentary manual of the House, the *Mason's Manual of Legislative Procedure*. Section 402 of *Mason's* reads in its entirety:

Amendments Must Be Germane

1. Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended.
2. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.
3. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject.

4. An entirely new proposal may be substituted by amendment as long as it is germane to the main purpose of the original proposal.
5. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question.

The title of LD 285 is "An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for 2 Years." House Amendment "A" would add an additional section to the bill to pay the costs of consolidation for those municipal units that have complied with the school consolidation law. The subject and purpose of House Amendment "A" to pay for the cost of compliance is different than the main purpose of delaying penalties for noncompliance in LD 285. Therefore, House Amendment "A" is in conflict with the spirit of the original measure. With respect to House Amendment "A", the Chair finds the amendment is not germane.

Subsequently, the Chair **RULED House Amendment "A" (H-548)** was not germane to the Bill pursuant to House Rule 506, and by Section 402 of the parliamentary manual of the House, the *Mason's Manual of Legislative Procedure*. Section 402 of *Mason's*.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-352)**.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think we're opening the Pandora's Box when we start opening this stuff up and I'm going to be voting against LD 285 and I suggest that you follow the red light. Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 98 voted in favor of the same and 40 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**, sent to the Senate.

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

An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

(H.P. 1008) (L.D. 1456)  
(C. "A" H-536)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **PASSAGE TO BE ENACTED**.

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-536)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-557)** to **Committee Amendment "A" (H-536)** which was **READ** by the Clerk.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. This basically clarifies

I should say, puts into the bill what the committee had voted.

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

Representative **TUTTLE**: Thank you, Madam Speaker. I would also concur with the good Representative from Eagle Lake, Representative Martin. This was the intent of the legislation but inadvertently it was left out, and I would thank him for his amendment.

Subsequently, **House Amendment "A" (H-557)** to **Committee Amendment "A" (H-536)** was **ADOPTED**.

**Committee Amendment "A" (H-536)** as Amended by **House Amendment "A" (H-557)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-536)** as Amended by **House Amendment "A" (H-557)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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 Friday, June 5, 2009, 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 Designate Sales Tax Holiday Weekends"  
(H.P. 792) (L.D. 1148)  
(C. "A" H-400)

**TABLED** - June 1, 2009 (Till Later Today) by Representative BERRY of Bowdoinham.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative STRANG BURGESS of Cumberland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-400)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-555)** to **Committee Amendment "A" (H-400)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, fellow Members of the House. I am actually really excited. We've done a lot of work to bring this amendment to you for your consideration. This is adding or actually really working with the existing concept of a sales tax holiday weekend. You folks in this body, a week and a day or so ago, gave this bill a nice resounding vote of your support. Since that time, we all know that the fiscal note on that bill is extremely high, but you all believed, as I do, that we need to do something for the citizens of this state and our Maine retail businesses and those folks who are working in the retail industry.

As you know, that state next door to us, New Hampshire, has the sales tax holiday 365 days a year. Well, we would like to encourage Maine residents to keep their money in Maine. This, we've debated already about the aspects of a sales tax holiday, but just a couple of highlights to tell you what this amendment is that's in front of you. You should have also received on your desks a couple page handout that highlights some of these facts