

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

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

UNFINISHED BUSINESS

The following matters, 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 Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism"

(H.P. 834) (L.D. 1216)

- In House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** on April 2, 2015.

- In Senate, **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

TABLED - April 28, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of Speaker EVES of North Berwick to **INSIST**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INSIST**.

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

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, in our conversations in our caucus in regards to this bill, there seemed to be a little bit of confusion in regards to the underlying purpose of the bill in regards to whether or not it was more driven towards issues regarding probate court and/or those issues regarding persons with intellectual disabilities. My understanding is, is that we believed it had more to do with probate issues and, therefore, we thought it would be more appropriate that it go to the Judiciary Committee. To the extent that either the author of the bill or someone with further knowledge on that could provide clarification, that'd be helpful.

The SPEAKER PRO TEM: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative GATTINE: Thank you, Mr. Speaker, a response to the question from my friend from Newport, again the underlying issue in this bill is the functioning of a process within the Department of Health and Human Services impacting the rights of people with intellectual disabilities, processes and procedures that have been in place for many, many years. You know, I think it is clearly within the jurisdiction and the oversight of the Health and Human Services Committee, and I believe that's the appropriate committee for this matter to be decided.

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

ROLL CALL NO. 48

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison,

Nadeau, Noon, Nutting, Peterson, Pierce T, Pouliot, Powers, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Wallace, Warren, Welsh.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farnsworth, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Blume, Russell, Sherman, Mr. Speaker.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, and accordingly the House voted to **INSIST**.

Bill "An Act To Prohibit Unauthorized Custody Transfers of Children"

(H.P. 911) (L.D. 1342)

- In House, **REFERRED** to the Committee on **JUDICIARY** on April 16, 2015.

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

TABLED - April 28, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **INSIST**.

The SPEAKER PRO TEM: Is there any objection to all matters having been acted upon being sent forthwith? The Chair recognizes the Representative from Newport, Representative Fredette and requests which item the Representative's objecting to.

The Speaker Pro Tem inquired if there was objection to sending all matters having been acted upon **FORTHWITH**.

Representative FREDETTE: Thank you, Mr. Speaker Pro Tem, I would request that item number 14 be held. Item LD 1216 be held and item LD 1342 be held.

Representative FREDETTE of Newport **OBJECTED** to sending all matters **FORTHWITH**.

The SPEAKER PRO TEM: The Chair would remind the member that that motion is out of order as the member has not voted on the prevailing side. There being no objections, ordered sent forthwith.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Thank you, Mr. Speaker, my understanding is on item LD 1342, item number 15, that went under the hammer, is that correct?

The SPEAKER PRO TEM: The Chair would respond in the affirmative, and item 15 will be held at the Representative's request. And the Chair is in error. Thank you, Representative.

Representative FREDETTE: Thank you, Mr. Speaker.