

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification

(S.P. 782) (L.D. 2033)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513) AS AMENDED BY HOUSE AMENDMENT "A" (H-895) thereto in the House on March 31, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513) AS AMENDED BY HOUSE AMENDMENT "A" (H-895) AND SENATE AMENDMENT "A" (S-544)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

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.

An Act To Increase the Minimum Wage

(H.P. 174) (L.D. 235)
(C. "A" H-725)

TABLED - March 29, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative DUPREY of Hampden, 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-725)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "E" (H-917) to **Committee Amendment "A" (H-725)** which was **READ** by the Clerk.

Representative SMITH of Van Buren moved that **House Amendment "E" (H-917)** to **Committee Amendment "A" (H-725)** be **INDEFINITELY POSTPONED**.

Representative DAIGLE of Arundel **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "E" (H-917) to **Committee Amendment "A" (H-725)**.

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 "E" (H-917) to **Committee Amendment "A" (H-725)**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 448

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Cummings, Driscoll, Duchesne,

Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Craven, Emery, Hotham, Koffman, Moore G, Ott, Stedman, Thomas.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly **House Amendment "E" (H-917)** to **Committee Amendment "A" (H-725)** was **INDEFINITELY POSTPONED**.

Representative MILLS of Farmington **PRESENTED** **House Amendment "D" (H-916)** to **Committee Amendment "A" (H-725)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose this amendment, along the same lines as the previous amendment, simply postponing the increase because we have increased the minimum wage every year since 2002, I believe. It went up 60 cents in January, 2002. It went up another 50 cents in January, 2003. It went up 10 cents in October, 2004. Just last year it was raised again by 15 cents to \$6.50. We are now a great deal more than our closest state of New Hampshire, which is still at \$5.15, I think. I wish to propose this amendment in order to make some modest increase. A reasonable, sensible increase to the minimum wage, but not put us at the very top of the scale nationwide. Thank you.

Representative **SMITH** of Van Buren moved that **House Amendment "D" (H-916)** to **Committee Amendment "A" (H-725)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. House Amendment "D" is the identical amendment as House Amendment "E" except for the sponsor. I would ask that the membership vote to Indefinitely Postpone this House Amendment "D" just as was done on House Amendment "E".

Representative **MILLS** of Farmington **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "D" (H-916)** to **Committee Amendment "A" (H-725)**.

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 "D" (H-916) to **Committee Amendment "A" (H-725)**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 449

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Cummings, Driscoll, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Browne R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Duprey, Edgecomb, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Craven, Emery, Hotham, Koffman, Moore G, Ott, Stedman, Thomas.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, and accordingly **House Amendment "D" (H-916) to Committee Amendment "A" (H-725) was ADOPTED.**

Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) thereto was ADOPTED.

Representative CUMMINGS of Portland moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) was ADOPTED.**

The same Representative **REQUESTED** a roll call on the motion to **RECONSIDER** its action whereby **Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) was ADOPTED.**

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 Reconsider its action whereby Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) was adopted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 450

YEA - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duchesne, Duprey, Edgecomb, Fischer, Fisher, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hutton, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Patrick, Perry, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan.

NAY - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Clark, Cummings, Davis G, Driscoll, Dudley, Dugay, Dunn, Duplessie, Eder, Faircloth, Farrington, Finch,

Gerzofsky, Glynn, Goldman, Grose, Hanley B, Hanley S, Harlow, Hogan, Jackson, Jennings, Lerman, Lundeen, Makas, Marley, Mazurek, Merrill, Miller, Norton, Nutting, O'Brien, Paradis, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Saviello, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

ABSENT - Craven, Eberle, Emery, Hotham, Koffman, Marean, Moore G, Ott, Stedman, Thomas, Woodbury.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly **Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-725) as Amended by House Amendment "D" (H-916) thereto in NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-923)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities" (H.P. 1235) (L.D. 1727)

TABLED - April 3, 2006 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The House Amendment before you would expand the definition of lobbying under the disclosure laws to include lobbying executive branch members such as Commissioners and their designees. Under current law, lobbyists must report only the time they spent lobbying legislators on legislative actions, or with the Chief Executive on legislative actions or vetoes. Before I talk about the merits of the amendment, I'd like to clear up some misconceptions about my views on lobbying and lobbyists. The other day, someone asked me straight out, "Why do you hate lobbyists?" At the public hearing a lobbyist cornered me in the hall and said angrily, "This bill is completely unnecessary. Why are you introducing it?" Another lobbyist wanted to know why I didn't have to report the time I spend being lobbied. In a news article about this amendment, a lobbyist was quoted asking the question, "What's the problem? Is something nefarious going on here?" In response to all of those questions and comments I would simply ask that we all keep our heads here. This amendment is simply what it is, an effort to make sense of our lobbyist disclosure laws. I would like to express my thanks to the many lobbyists who have been supportive of me in introducing this legislation. The reason that 37 states now require disclosure of Executive branch lobbying is pretty basic. If we are going to have lobby laws at all, why disclose only part of what goes on. Included in those 37 states, by the way, is Vermont, a citizen's legislature. Only five days ago, the Governor of New Hampshire signed into law a bill requiring disclosure of Executive branch lobbying. I think it's safe to say that the Governor doesn't hate lobbyists and that not much wicked stuff is going on in New Hampshire. The fact is Commissioners and their deputies have a close working relationship with lawmakers. We rely heavily on Executive Department heads to brief us on issues related to their areas of expertise, as well as on pending legislation. A good