

# 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

The Following Communication: (H.C. 264)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON LABOR**

May 19, 2005

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 284      An Act To Increase Retired Teachers' Insurance Benefits

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. William J. Smith

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 357)

**MAINE SENATE  
122ND LEGISLATURE  
OFFICE OF THE SECRETARY**

May 26, 2005

The Honorable Millicent MacFarland  
Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Improve the Water Quality of Hall Pond in Paris" (H.P. 306)(L.D. 421)

The President has appointed as conferees on the part of the Senate the following:

Senator Bruce Bryant of Oxford

Senator Ethan Strimling of Cumberland

Senator Kevin Raye of Washington

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

(S.P. 310) (L.D. 902)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket

WOODBURY of Yarmouth

PINEAU of Jay

HUTTON of Bowdoinham

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-266)** on same RESOLUTION.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

MCCORMICK of West Gardiner

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative WOODBURY of Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Concerning the Measurement of Firewood"

(H.P. 1005) (L.D. 1441)

Signed:

Senator:

DOW of Lincoln

Representatives:

AUSTIN of Gray

ROBINSON of Raymond

RECTOR of Thomaston

FARRINGTON of Gorham

BERUBE of Lisbon

BEAUDETTE of Biddeford

JACOBSEN of Waterboro

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senators:

BROMLEY of Cumberland

HOBBINS of York

Representatives:

SMITH of Monmouth

O'BRIEN of Lewiston

CROSBY of Topsham

**READ.**

On motion of Representative SMITH of Monmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

(H.P. 815) (L.D. 1186)

Signed:

Representatives:

PINGREE of North Haven

WALCOTT of Lewiston

GROSE of Woolwich

WEBSTER of Freeport

MILLER of Somerville

BURNS of Berwick

CAMPBELL of Newfield

LEWIN of Eliot

GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)** on same Bill.

Signed:

Senators:

MAYO of Sagadahoc

MARTIN of Aroostook

ROSEN of Hancock

Representative:

SHIELDS of Auburn

**READ.**

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative SHIELDS of Auburn **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has been presented to you as a Majority **Ought Not to Pass**. Let's review what is happening here.

The original law in this matter stated that smoking would be permitted in off-track betting facilities that were in operation on June 30, 2003. No employees would be present in it to avoid being subjected to second hand smoke. Members of the public are not required to utilize or pass through this smoking area and no one under the age of 18 is permitted inside this area. The attorney general said that this applies only to the six facilities in operation at their location on June 30, 2003. This is a key element in the law.

The bill, as written, proposes to remove the limiting date of June 30, 2003. So, if you pass this bill without any amendments any future licensee might acquire smoking privileges since the grandfathered date of June 30, 2003 would be removed. Now, what has arisen here is a licensee who was in operation on June 30, 2003, but has purchased another property in the same community and wishes to move his operation to that location.

The current law's intent is to allow smoking in only those facilities that were in operation on June 30, 2003 and to prohibit smoking in any new facility so as not to expand the number of public places where one could smoke. This was the agreement when we passed the carve-out for smoking exemptions for these six off-track betting facilities in 2003. There was significant testimony that their customers would not come if they were not allowed to smoke. So we voted to give the businesses a break due to the nature of their business and their clientele. The opponents of this bill have used the Attorney General's strict interpretation of location of facility to mean a certain address and any change of that address would mean that it is a new facility. Therefore, moving across the street would disqualify the facility from the smoking exemption under the current law.

Those of us who support the amended version of this bill do not wish to expand smoking areas, but feel that moving from one address in a community to another address in the same community does not violate the intent of the law, as long as a business was in operation on June 30, 2003 and follows all of the other rules. We have also added that it shall have a floor area of not greater than 2000 square feet, shall be a separately enclosed area, whether within another facility or not and that no slot machines will be in it and that proper signage will be present indicating that it is for off track betting and simulcast racing patrons only.

In fairness to the licensee and keeping true to the spirit and intent of the current law, I ask you to oppose the current motion of **Ought Not to Pass** and let us pass the amended version which keeps the 2003 limitations date in tact, but allows the smoking exemption to go with a licensee as long as it is in the same community. So, I ask you to oppose the current motion.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What you have before you in LD 1186 is a bad piece of legislation that needs to be voted down in the present form that it is.

The Majority **Ought Not to Pass** Report would put a big handicap against the people that are getting ready to invest millions of dollars in Bangor through Pen National and the Bangor Raceway. I was on the Bangor City Council when the first OTB parlor, Miller's Restaurant, came to Bangor. That agreement with the state included the fact that there would only be six OTBs throughout the state of Maine. They have never asked to expand that licensing so, there will still only be six OTBs in the State of Maine.

This is, in fact, nothing more than an attempt by government to control people's chosen lifestyles once again. This room is, in actuality, a smoking room. If you don't smoke don't go in there. No children are allowed there. There are no drinks served in there. There is no wait staff in there. There are no slot machines or betting machines where you can go and place a \$2.00 bet. You simply want to go and have a cigarette and I know that a lot of you find that absolutely horrible to think about, but you know what, there are those of us who do not. There are those of us who enjoy it and if you eliminate the facility's right to have a smoking room than you are, in essence, putting me and everyone else that enjoys a cigarette, a cigar or a pipe out in front of the facility because the last time I knew, open space was fair game, unless you happen to be on school property. I can guarantee you that at no time in your lifetime or mine will an OTB parlor be on school property.

What we are talking about is adult entertainment that requires adult decisions. These people simply bought out Bass Park and the Racino will be operating there. They bought out Miller's Restaurant and they are moving the OTB Parlor to the basement of the auditorium. Very simple, very straight forward, they just want to offer the accommodations that Miller's OTB has offered its patrons since it opened. I am going to ask you to follow my light and defeat this Majority **Ought Not to Pass** and move on with the Minority **Ought to Pass as Amended by Committee Amendment "A" H 528**. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to support the Majority **Ought Not to Pass** Report. I don't believe that this is as clear-cut as others would have you believe. This bill has, in a different form, been in front of the Legislature before. During the

121st Legislature a bill was proposed by a member of the other body banning smoking in bars, taverns and off track betting facilities.

This bill passed the HHS Committee after much debate and subsequently passed both chambers by wide margins and was signed by the Chief Executive. Much of the debate in the committee surrounded the issue of OTBs. Of all the groups the OTBs gave the most convincing argument that they would loose business because you can bet and gamble on the Internet.

We worked with the OTBs to carve out an exemption for, which protected non-smokers. However, there was still much concern over the issue and we decided to write into the law that you must have the license for the OTB by a certain date in order to have this exemption apply to you. The concern was based on how we carved out the exemption. It would require that a room be built into which no employee could enter during business hours. However, after business hours cleaning staff and others could, and probably would have to enter. But, as we all know, the effects of smoke – especially in an enclosed area like this – can last for hours. Therefore, the exemption was only for existing OTBs and in their existing form and location. That was the intent of the law. Any new OTB or change of location would mean that the smoking exemption would not apply anymore. We decided to grandfather the current owners and the current locations with the understanding that eventually, over time this exemption would probably apply to no one as they moved and were sold. The OTBs negotiated this law with the Health and Human Services Committee and understood the meaning behind it. It would need to be part of their business decisions that smoking would not be allowed if opening up a new OTB.

My concern is that if we change this law it will be the first step backward in our laws protecting people from second hand smoke. The first step ever that this state has taken. Second hand smoke is a Class A carcinogen, the highest class of carcinogen. If we start taking a step backward or weakening the laws or go back on a negotiated compromise than we run the risk of opening up all the smoking laws, including the restaurant law. There would be nothing to keep them from saying that we have changed the exemption for one business. Why wouldn't we consider changing the laws for one restaurant?

Maine has made great progress in our efforts of protecting people from the effects of second had smoke. I ask you today to not change or negotiate a compromise. I ask you not to take a step backwards in the great efforts of this state to protect people from second hand smoke. I ask you to support the Majority, bipartisan, Ought Not to Pass Report and keep the current law intact. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative LEWIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have heard a fairly fair and accurate account of the history of the bill that was passed in the last session. I would just like to add a few comments to that. Yes, there were six OTBs that were grandfathered and they were grandfathered based on where they were licensed. They were in existence. They had a license with a specific address. I remember that debate. I remember being in the committee and being waylaid in the halls. You couldn't escape the people who wanted to talk to you about these bills. You couldn't escape them. I remember telling them, when we finally reached the grandfathering compromise that Representative Walcott mentioned to you, that I really did hope when this was done it would really be done and that none of them would come back and look at my fat little face two years from now and proceed to tell me that they wanted to change it. Well,

here we are. It didn't take two years and already we want to change it.

I don't think that's right. I think it is time that we learn to do the right thing. Think about all the consequences right up front and speak your mind right up front and do the right thing. Well, I think we did the right thing based on what the state appears to think about smoking - they think that smoking in a public place isn't a good thing - and that case has been stated here many times and many of the bills that people are now fussing about were voted for by this House. So which is it? We can't have it both ways. We either don't support smoking in public places or we do. So we made a law, we said we were doing the right thing and here we want to change it again. In my view a license is listed to a business at an address. If the address changes, in my view, than that license should cease to exist and a new license should be issued at a new address. This is nothing but skirting the law that, all of a sudden, New Penn is so surprised that we have and that we really shouldn't have. Well, I think it is a whole lot of nonsense personally. I hope that you will support the bipartisan agreement, Ought Not to Pass and that you will think long and hard before you do cast your ballot. Thank you.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm listed here on the Majority Ought Not to Pass, but after further study it is my right to change my mind and I don't want to be as they call it, "a dog in the manger" so, I am going to be voting with the Ought to Pass as Amended by Committee Amendment "A" (H-528). Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill. So everybody knows whom to blame.

You know, it is interesting the subjects that draw debate in this chamber, long arduous debate. I just want to rise, as I should, in support of my own bill in order to make sure that everybody understands six OTBs have smoking rooms. If you pass this piece of legislation six OTBs will have smoking rooms. I am not a proponent of expanding the opportunity to smoke inside. I am a proponent of giving opportunity a chance to survive and that is what this is about. This is a change of address. I think in my younger years I could have thrown a rock from where the OTB is now to where it is going to be located, from what I understand, at the grandstands of Bass Park and I want everyone to be clear on this. We have worked behind the scenes on this bill with the Maine Smoking Coalition. They have worked with us to make sure that this is not an expansion. I wanted that assurance and I thank them for their participation in securing that. Please vote against the motion on the floor and let's move on to the minority report. Thank you Mr. Speaker.

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

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't have much of an opinion one way or the other on this. I really don't give a hoot whether people smoke in public or don't, but I wonder what you would do with this licensee if his current facility burned down and he had to move. What would you do then?

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I certainly don't mean to prolong what the good Representative from Dixfield has

already called the long and arduous debate, which it is when we are debating exemptions like this, but I just wanted to give deference to the two good Representatives from my committee who have spoken out in favor of the Majority Ought Not to Pass Report.

This compromise was created during the last session. The Health and Human Services Committee worked hard in a bipartisan way last session to figure out how to carve out this exemption and no more. It was based on the premise that existing businesses had a business model that had smoking in it. Anybody who wanted to buy these OTBs would understand that the exemption would not apply to them. So then, new business would not include a business model that included smoking. I think that it was pretty clear when the two pending purchases of OTBs were taking place, or are taking place, that these businesses knew that Maine State Law would not allow them to keep their smoking exemption. When they decided to begin this business transaction they knew that this was the law in place. They understood what their business model would have to be and they chose to go forward anyways.

As the good Representative from Lewiston has very well presented, this would be the first step backwards in our smoking laws in Maine. I ask the members of this House to move forward with the Majority Ought Not to Pass Report and I thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to try and keep this as brief as possible about something that I feel very strongly about, which is not easy.

When legalized gambling and the slot machines were voted in not once, but twice in the City of Bangor by an overwhelming majority and in that law that we passed last year in this legislature it plainly and clearly stipulated that the racino, which includes the slot machines had to be within 2000 feet of the Bangor Raceway. Miller's Restaurant is within 2000 feet of the raceway. So, if you want to start looking at all possibilities I guess that maybe the OTB is part of the raceway so the license would go along with it. I don't disagree with the good Representative from Lewiston and his strong passionate plea that this is a step backwards. That is his opinion and I am going to honor his opinion and would never question why he feels that way, but this is not by any means a step backwards in the smoking laws. Maine has some of the toughest smoking laws in the country and this is as it should be. But, we did make an exception for the six OTBs. We are not going to expand that exception for any more that happen to open up in the state. This is an extension. They have moved their machines down less than 2000 feet from where they have existed from day one and I need to remind you again that this is an adult choice. Thank you Mr. Speaker.

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

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also don't wish to delay this debate at all, but though I usually only speak on HHS bills, I would like to point out that everybody keeps talking about the intent of the law and what we planned on doing was to carve this out and give them room, but the people that say that are ignoring the date that we put in the law.

Why would we put in the law a date that they had to have a license by if the intent of the law wasn't to eventually do away with the smoking in these places? That was the intent. You know that the intent of the law wasn't only to carve out the exemption. The intent was also that in the future, as people

changed locations and as they sold their businesses that that exemption would go away and there are many reasons for that. There are reasons why we don't allow people to smoke in hospitals and in restaurants and in schools anymore, and that is also part of the intent. You can't just look at one part of the intent of the law and not look at the other.

We made this agreement with the current OTBs. They understood that if they sold or if they moved or if their business burned down, then they wouldn't be covered and would need a new license. They never brought that up. It would be ironic if it burnt down because someone left a cigarette somewhere, but I think that we just really need to stick with what the intent was. The intent was not only to carve out six OTBs, the intent was also that in the future there would be none with the exemption, whether it would take 50 years or 10 or however long it took for them to sell their businesses and to move to wherever else. So, you have to look at the entire intent of the original law, the compromise that we worked out with the OTBs. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have, in my hand, an article from the Portland Press Herald written on the 29th of May. In this article it says that New Penn is beginning renovations on a facility that will house up to 500 slot machines and then it goes on further to say that the temporary facility at the grandstand and at Miller's will eventually be replaced with a \$75,000,000 permanent gaming complex that will house 1500 slot machines. That would be the limit in this state, 1500. I don't know how anybody could not call that an expansion? I would fail to understand how you could not call that an expansion of the use or the planned use? And, they will be well within the law at 1500 slot machines, but I don't believe that they have the right to take the smoking from Miller's downstairs and nip across the street with it or down the street with it to the new location. I believe that is wrong to do and I also believe that if this article has any level of accuracy at all than this is the first step and there will certainly be more to follow, just like this one is following the last one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of Health and Human Services I listened to the testimony regarding this piece of legislation and I have decided Ought Not to Pass will be my vote. The reason for that is, for me, fairly clear. I have some discomfort in setting boundaries on the behavior of adults. However, I also believe that we made a law, we crafted a law, we made an exemption for the six OTBs and thereafter. We also allowed a racino to be opened.

This racino did not get a smoking permit and they have now found a way to attempt to merge an OTB and the racino in order to get the smoking that they wanted. I think it is a – let me be careful here – not a misuse, but rather a reinterpretation of the intent and I would like to support the intent of the previous legislature and I will be voting Ought Not to Pass. Remember, this is moving an OTB room into a racino that does not have smoking. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette who wishes to address the House on the record.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just need to put a clarification on the floor. The OTB that is moving from Miller's

Restaurant to the Grandstand at Bass Park will have 450 slot machines in it. When the racino opens those 450 slot machines become part of the 1500 that was authorized by the bill the 121st Legislature passed. There will be no expansion of the number of slot machines that are allowed in the State of Maine until it goes out to a referendum vote and the people approve it not only statewide, but citywide and municipality wide. Just so everybody understands, once the racino is up and open they will not have an OTB track there where the smoking room is. The OTB track will remain, as far as I know, under the Grandstand at Bass Park, but the slot machines will be removed. Thank you Mr. Speaker.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I keep hearing that we laid the law down in the last Legislature and I guess they think that it is in stone and I guess they think that it can't be changed. I would like to remind them all that when we first got to the smoking bit years back, in this state, we allowed restaurants to have smoking areas after they spent ton's of money putting in ventilations systems only to take that out of stone and tell them that they couldn't smoke at all. So what is the big deal that we passed a bill in the last Legislature and we want to change it now? I don't see much difference.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to clarify what I hope you will adopt, which is the amended version of this bill. It says that the designated smoking area will be no larger than 2,000 square feet of floor area. No slot machines are located in the OTB or simulcast racing facility. The designated smoking area is located entirely within a separately enclosed area of an off track betting facility or simulcast racing facility and the proper signs are mounted to the exterior of the designated smoking area indicating that use of the area is for off track betting and simulcast racing patrons only. So, there are no slot machines in it. It is entirely enclosed and kept away from anything else. Whatever other building or facility that it is in.

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

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is always a great pleasure to return on a Tuesday to a spirited debate, especially one that, in essence, was put so succinctly by the good Representative from Bangor. It is always a great pleasure to hear her state things as I see them, with great common sense and grounded in reality. Not trying to do the thinking for every adult in the state of Maine. I appreciate her dedicated, spirited defense of adult choices. She is succinct, she is to the point and she gets it done. I hope that people listened very well to what Representative Blanchette has outlined here today. I intend to follow her light and I hope that all of us who work together to make sure that big government doesn't keep staring down our throat follow Representative Blanchette's example this morning. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 214

YEA - Adams, Annis, Babbidge, Barstow, Bishop, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Collins, Craven, Cressey, Crosthwaite, Cummings, Daigle, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington,

Flood, Glynn, Grose, Harlow, Hutton, Koffman, Lerman, Lewin, Makas, Marley, Marraché, Mazurek, McKenney, Miller, Mills, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson E, Schatz, Seavey, Smith N, Thompson, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Beaudette, Berube, Bierman, Blanchette, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Crosby, Curley, Curtis, Davis G, Davis K, Driscoll, Dugay, Dunn, Duprey, Edgecomb, Emery, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Moody, Moore G, Moulton, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Vaughan.

ABSENT - Bryant-Deschenes, Ott, Sampson, Smith W.

Yes, 66; No, 81; Absent, 4; Excused, 0.

66 having voted in the affirmative and 81 voted in the negative, with 4 being absent, and accordingly 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" (H-528) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect the MaineCare Program"

(H.P. 242) (L.D. 318)

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:

PINGREE of North Haven  
WALCOTT of Lewiston  
GROSE of Woolwich  
WEBSTER of Freeport  
MILLER of Somerville  
BURNS of Berwick  
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)** on same Bill.

Signed:

Representatives:

SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.