

# MAINE STATE LEGISLATURE

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because I do not think this is necessary. The Representative from Lewiston, Representative Makas, is absolutely right. If we put into statutory language, this is going to affect every special needs child in this state, it is going impact our schools, and why do we need to rush such an important issue? I think this is something that may be premature, so I will not be supporting the Minority Ought to Pass Amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 247**

YEA - Annis, Ayotte, Beaulieu, Berry, Blanchette, Browne W, Bryant, Burns, Campbell, Carter, Cebra, Clark, Cotta, Cray, Curtis, Edgecomb, Finch, Finley, Fitts, Gerzofsky, Gifford, Giles, Gould, Greeley, Harlow, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Koffman, Lansley, Lewin, Lundeen, Mazurek, McDonough, McFadden, McKane, McLeod, Mills, Nass, Norton, Percy, Pieh, Pingree, Rector, Richardson D, Richardson W, Samson, Sarty, Sutherland, Sykes, Thibodeau, Thomas, Tuttle, Valentino, Vaughan, Walker, Watson, Weaver, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Cain, Canavan, Casavant, Chase, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Fletcher, Flood, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Kaenrath, MacDonald, Makas, Marean, Marley, Miller, Millett, Miramant, Muse, Pendleton, Peoples, Perry, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rines, Robinson, Rosen, Savage, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Tardy, Theriault, Tibbetts, Treat, Trinward, Wagner, Webster, Woodbury.

ABSENT - Carey, Dill, Duprey, Emery, Hogan, Knight, Moore, Patrick, Pineau, Saviello, Simpson.

Yes, 64; No, 76; Absent, 11; Excused, 0.

64 having voted in the affirmative and 76 voted in the negative, with 11 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am like Goldilocks today, because one is too warm and one is too cold. I really believe that—and I am not making a motion—but that tabling may be in order so that we can discuss this more in our caucuses and try to come to a determination, because once again, I really feel that we are making decisions that are impacting. I mean the piece of this is that there is a financial piece and no one wants to talk about that, then there is the education one, and then there is the very painful emotional piece, and I just believe that we are moving very quickly on this. I think there are issues with the Majority Report that I personally still need to have explanations for, and I appreciate that the good Chair of Education has talked to me about the Minority Report, Representative Strang Burgess and Representative Makas spoke to me about the Majority Report, but I still think that is why you are seeing committee members, in both bodies, are flipping back and forth on this issue and they have heard all of this testimony, so I will also not be supporting the Majority Ought to Pass Report. Thank you.

Subsequently, on motion of Representative FARRINGTON of Gorham, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-763)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, March 26, 2008.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-785)** - Minority (1) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Children in Vehicles from Secondhand Smoke"

(H.P. 1396) (L.D. 2012)

TABLED - March 20, 2008 (Till Later Today) by Representative MILLER of Somerville.

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

Representative BLANCHETTE of Bangor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am rising to speak in favor of LD 2012, "An Act To Protect Children in Vehicles from Secondhand Smoke."

Several studies have been done now, supporting the dangers of secondhand smoke in such a confined area to young and developing lungs. I am not a legislator who likes to legislate more laws than necessary in the personal rights arena; in this case, however, the rights of those with choice are pitted against the rights without choice: babies and children confined within the family automobile.

I further support the Committee Amendment to change the age from 18 to 16. This bill is protecting children in vehicles from secondhand smoke, not to have the government run our lives. The title of the bill says "An Act To Protect Children." Upon reaching age 16, young adults have more options to pressure adults to discontinue smoking, roll down a window, refuse to ride in the automobile, or by strongly voicing their opposition to smoking in the vehicle. But young children have no such choices and that is why this bill should be specifically tailored to their needs.

This bill, as amended, acts as a wakeup call to parents, more than anything else, with only a warning for the first offense and a \$50 fine thereafter. I would not support this bill if it was simply dictating who could or could not smoke—I believe that is a personal decision—but that is not what this bill does. What it does is protect children who are unable to protect themselves, much in the same way that we now protect them from domestic abuse situations; therefore, I ask your support for this Health and Human Services 12-1 Majority Ought to Pass Report as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel obliged to stand up as the only member on the Health and Human Services Committee to vote against this bill, and I would just like to explain my position. I did not vote Ought Not to Pass on this bill because I think it is a good idea to smoke in your car with children present. I said in committee and I will say on the floor standing today that you have to be a bit of a knucklehead to do that, and it is not a good idea.

My point in the Committee was every once in awhile we get to a piece of legislation—it often comes to Health and Human Services—where we are legislating common sense. It may be a good idea to go forward with this, it may not be a good idea to go forward with this, but somebody once in awhile needs to stand up and wave a red flag and say is this something that we really want to be doing? Is the long arm of government reaching once again into people's lives, into people's homes and now into people's cars? Whether we want to debate this any further or not, I do not know, but that was my stance. I would like to repeat that I think it is a bad idea to smoke in your car with children present, and I felt as though I at least made a point by standing up and raising the red flag. Thank you, Mr. Speaker.

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

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel very strongly about this bill and Representative Duprey, who introduced it, is not here today; he is out because of the illness of his daughter. He runs four daycare centers and has not absolute proof of the difference that it has made but it has made a difference, he feels, in the children in his daycare centers. He has seen less colds, he has seen less exacerbation of their asthma.

I do not look at this bill as a long arm of the law. I look at this bill as an education bill, and we are educating parents that it is not a good thing to smoke in their cars, and we have behind that education a strong recommendation with a little bit of clout. I urge you to please support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Connor.

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize in advance for my voice. I rise in support of the Acceptance of this Majority Ought to Pass. I actually, for a period of time, was in concurrence with the good Representative from Lincolnville, and I was concerned about the civil liberties and what we are doing in this body. Every day that we pass a law, we affect people.

In the past, we have passed bills to prevent you from smoking in a restaurant. Certainly, I think we would all accept that the ceiling of a restaurant, many times, is considerably higher than a ceiling of a car. The fact that in this enclosed area that the toxins that these kids, and actually the adults too, are exposed to are so significant, that I said I was going to support this, and why many members of, I think, that committee supported that bill.

I think that if a bill came forward in the future to attempt to say you cannot smoke at home, I probably would vote against that because I think that we do treat homes as a castle, but a car is not a castle. An automobile is a confined space that has the ability to retain chemicals that are in that air so significantly that we need to act. I would encourage you all to support this bill and support the children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 2012, "An Act To Protect Children in Vehicles from Secondhand Smoke." I feel that this is a public health issue, but more importantly it is our children's health issue.

The confined space of a car and the lack of ventilation, even with the windows open, pose a real threat to our children: Exposure to dangerously high levels of nicotine smoke to children, and also infants, whose lungs are still developing. I believe in the importance of protecting our children who have no choice in the matter.

I support this bill because we have an opportunity to also save money, reducing the amount of secondhand smoke that children are exposed to will reduce their risk of ear infections, asthma, and other respiratory ailments. It will reduce the number of doctor visits. It will reduce the amount of money that we spend in health care costs. Testimony provided during the public hearings outlined the extensive health care costs from secondhand smoke, and I support this bill as a preventative measure.

But beyond saving money, we have a responsibility to look out for the wellbeing of our young children. Secondhand smoke causes respiratory problems, chronic infections and other miserable illness. A child with an ear infection is an unhappy child; a child with asthma is an unhappy child. We, each one of us, have the responsibility to protect our children.

My mother was a chain-smoker all of her life, and four years ago, I watched her die of lung cancer. As a child and because of the intense longevity of me inhaling the secondhand smoke, I cannot help but wonder will I be next? I cannot imagine what that has done to my lungs throughout my childhood life. I remember leaving my house and also getting out of our vehicle, with my clothes smelling of smoke. That nicotine smell is something that will stay with me forever. Smoking was her choice, but it was not mine. I am thankful and grateful to be able to have the choices I do today.

We have made great strides with the containment of smoking in public locations through out our state, and it is up to us to continue to do the same for our children. We need to be their voice. It is our responsibility to do the right thing to help save our children from secondhand smoke as much as possible. We can do this and we must protect our children. Thank you, Mr. Speaker.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I can understand how good people can come to different conclusions on this bill, but I rise as a civil libertarian and as a civil libertarian, I am forced to support this bill. I am for freedom of choice, and as such, I am forced to support this bill.

Let's think about the situation. I mean, really, just take a step back for a minute, and think about this situation: A human being is strapped in a box and then forced to breathe carcinogens. Now that sounds a little bit harsh, a little bit extreme, but let's really consider—with no exaggeration whatsoever—exactly what we are discussing and exactly whose civil liberties are at stake. So I will repeat: A human being is strapped into a box, then forced to breathe carcinogens. Carcinogens—a confined box where a human being is strapped in place? We are very much and very certainly and undeniably discussing a violation of civil liberties here. It is the violation of the person who is strapped down, that's whose civil liberties are being violated.

You know, my mom had a saying—your freedom ends at the tip of my nose—and I agree. If you want to booze it up, if you want to smoke up a storm, I am a libertarian. As an adult, you decide; do what you want. But it is not a civil liberty to foist alcohol on a child. I am libertarian, but my freedom ends at the tip of your nose. When this debate began, you may have been thinking that the civil libertarian position requires that we take the side of those who smoke in cars, without regard to the child in the car. But just take a fresh look: This clear violation of another person's freedom goes beyond the tip of the nose; the carcinogens reach deep into the lungs and are dispersed through the bloodstream of another human being. If you are a civil libertarian who agrees that children are indeed human, that

children are indeed people in the eyes of the law, then you agree with the modern decisions of the Supreme Court.

Now, if you disagree, history is on your side. For century upon century, children were deemed to be chattel. You know, that was the view for a long time, just like a chair or a horseless carriage, but I think that in the last century we have moved beyond the horseless carriage view of these issues, and that we really take a moment to consider. If you are thinking that from a civil libertarian perspective you are going the other way, then just take a moment to help me understand because I want to understand how a child is not a citizen, how a child does not have civil libertarian rights as well, and when you analyze it from that perspective, then I feel like we have no choice but to support Representative Duprey, to support the conclusion of the Bangor Police Department that this is easy to enforce, and to support the vast majority of the members of this Committee. I thank the members of the House.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I am a member of the Health and Human Services Committee and a longtime public health worker in the tobacco prevention program. I am also a dental hygienist that works in public clinics for Medicaid children, such as head starts and our schools.

This bill was sponsored initially, or initiated, by a pediatric dentist in Bangor, Dr. Shenkin, who sees a great number of Medicaid children. He and I have both been exposed to children who come in, and when we ask their medical history, we ask if they use tobacco products. With many of these children, teenagers also, I say "I can smell smoke, are you a tobacco user?" and they say "No, my parents or grandparents drove me here today, and I really hate to be put in this situation and exposed to this. I am not a smoker." I want to thank Dr. Shenkin for bringing this to our attention, and as public health professionals, we are strongly encouraging you to vote in favor of this bill.

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. This is not an easy bill to stand up here and publicly ask you to defeat, but I do so for any number of good reasons.

I guess I am enough of a libertarian to say that I believe young people, between the ages of 16 years and 1 day and 17 years and 364 days, have every bit as much right to their rights to be honored and respected as children that are under 16 to right after birth, or even before birth, because we have proven without a doubt through medical science that smoking during pregnancy harms the fetus, controls the weight of the baby, has and does cause miscarriages, and is suspect of causing some type of birth defects. Where do we draw the line? That child that is 16 years and 1 day; if they go to court and they break the law, their name cannot be released. If they are arrested by the Bangor Police Department—and there are many that happen day in and day out—that name cannot be released under the Right-to-Know Law because they are a juvenile. We have too many divisions here in what constitutes a juvenile and what constitutes an adult. If you want to expose 16 year olds to secondhand smoke, which has been proven to be a killer, then why don't we introduce a bill and drop the legal age for these adults to smoke if they want?

The first half of the 123rd, we went in and put some restrictions on the little funny cigars, and yesterday the Chief Executive signed a bill on lighters because they were a hazard. We do all kinds of things to protect everyone within this state,

regardless of their age. There is protection if we can pass a law to help them—16 years and 1 day does not make an adult. Are you telling that child that if they want to go out to lunch or dinner, or go on a family trip with their parents, that they have the right—and they do not have to; they can walk, take a bus or fly—but to argue with their parents? The last time I knew, you were a child of your parents until you reached legal age, when you had to stand up in front of the courts and God and everybody, and say "I am an adult." Let's not muddy the waters.

I was on the Council and fought to get the no smoking ban in Bangor passed, and we did it, and it has been in effect, and we have fined one family for smoking, and it has been a very good law because of the education aspect. You are asking the police, the ones that you do not fund enough, that you do not hire enough, and they are too busy trying to keep up with the courts and their paperwork to be out there and enforce the laws. I am asking you to defeat this because you are creating people that are covered by the civil liberties law, which is under 16, from pre-birth to under 16, and then there is that two year gap where you have no rights, you do not even fall under the civil liberties protection, that we are going to protect you as a child. Think about it; think about what you are doing. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition the Ought to Pass as Amended Report.

I, too, share concerns about secondhand smoke, and I am thankful that this House, for example, does not allow smoking, and the other public places that we have heard about, bars and restaurants; however, a motor vehicle is something distinctly different. It is someone's own property, and I have some concerns of the use of the police power that we have in this House and that we sometimes use to excess. I think often we criminalize a lot of conduct that perhaps should not be, and I would ask you to think about that when you cast your vote.

Also, I have spoken with a number of law enforcement officials regarding this matter, and they do have some real concerns. This is a public health issue—that is certainly the case. Law enforcement officials are tasked mainly with public safety, especially in the area of motor vehicles. Does the conduct impinge upon the safe operation of the vehicle; will it be unsafe for those other individuals on the road? Ask yourself that question when you consider this vote. Certainly, it does not. We could, for example, consider banning fast-food drive-thrus where you purchase some fatty foods. That, both would be a public health issue as well as a safety issue, because you perhaps may be distracted while eating those foods as well. There may be other issues that you can consider, and how far do we go? We heard that certainly we will not allow this type of bill to come up when it comes to a home. Is that really the case? How far have we gone from just a few sessions ago, looked back into the other laws that have come into effect already.

Finally, I would just say one thing about the law enforcement officials: They are overburdened already, underfunded; they have a great deal of responsibility and that responsibility should be focused on the public safety. We have heard a number of Representatives from Bangor speak here today. Bangor has an ordinance in place. Perhaps, we from afar, here in Augusta, ought to consider allowing the other towns and cities within the State of Maine to consider this, or determine if it is a weighty enough issue to bring that within the local matter. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative

from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Again, I respect that there are valid points of view on either side of this issue. I did want to rise because I had gotten off the phone a few minutes ago with Deputy Chief Arno of the Bangor Police Department, and discussed this issue with him.

In that police department, perhaps they are in the best position to know how a law of this type would work because they have been dealing with it, and he said that they did not find it to be an administrative burden, he did not find it to decrease the effectiveness of the law enforcement in Bangor, but what he did find was that it was quite effective in decreasing the amount of people who smoked in cars with children, that that was directly observable from law enforcement in Bangor.

Further, he noted that because of the gentle but incredibly successful approach that they have used in Bangor by warning similar to what is proposed here, that was very much like the situation with bars. In bars, he said that four years—years—after passage of the law, no smoking in bars, they did not offer a single citation to someone smoking in the bar, they did not offer a single citation to a bar, not a restaurant, none, zero. But you know what? Nobody smokes in bars or restaurants. It became a societal change, and the cops came around and said, "This is the law, what do you guys say?" and people went with it, and the world is a better place.

I will tell you that it would be a lot better place in this situation because, in bars, the number of micrograms involved is 250 to 500 micrograms, that is what it is in a bar at the most. When you have children, it is dangerous to be above 100 micrograms, and when you have a windows closed car, it is 3,000 micrograms—3,000 micrograms—so by many orders of magnitude, more in a car than in a bar, except one somewhat noteworthy difference is that we are talking about children in this situation, the civil liberties of children.

Law enforcement says it is easy to administer, the law enforcement says it is quite effective, they have previous experience before, and, yes indeed, it is true that motor vehicles are property and I validly concede that that is true, but again, I return to the Supreme Court rulings that children are not property, children are citizens under the law and their civil liberties are equal to that of any other person in our society. I thank the Men and Women of the House.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Regarding the issue of liberties, I want to share with you what the Supreme Court had to say on that. They said it a very long time ago, and it was a very conservative Supreme Court, but they said that the liberties granted to us by our Constitution are granted within the context of a social organization, and requires the protection of law against the evils which menace the health, safety, morals, and welfare of the people. That is what the Supreme Court said about civil liberties; they said it in 1937. They then did not mean to protect our children from smoking in cars, but it is just as relevant today as it was then; therefore, I will be voting in support of this bill and encourage you to do so as well. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 248**

YEA - Adams, Annis, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs,

Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Flood, Gerzofsky, Giles, Grose, Hamper, Harlow, Haskell, Hill, Hinck, Jackson, Jones, Kaenrath, Koffman, Lewin, Lundeen, Makas, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Austin, Ayotte, Beaudette, Berube, Blanchette, Browne W, Cebra, Chase, Clark, Cleary, Cray, Crosthwaite, Curtis, Edgecomb, Fitts, Fletcher, Gifford, Gould, Greeley, Hayes, Jacobsen, Johnson, Joy, Lansley, MacDonald, Marean, McFadden, McKane, McLeod, Millett, Moore, Pieh, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Weaver.

**ABSENT** - Carey, Cotta, Dill, Duprey, Emery, Fisher, Hanley S, Hogan, Knight, Pineau, Sarty, Saviello, Vaughan.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-785) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 26, 2008.

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

Report of the **Committee of Conference** on the disagreeing action of the two branches of the Legislature - on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

(S.P. 741) (L.D. 1932)

Which was **TABLED** by Representative PINGREE of North Haven pending **ACCEPTANCE** of the **Committee of Conference Report.**

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to get into a long discussion on this, but there are just a few reminds that I would like to give you.

Number one, the Committee of Conference Report leaves out several people's points of view, if you recall:

1. The people who want consolidation were not part of that;
2. The people who want consolidation but needed the fixes in 1932 before the Amendments, are not represented in that; actually, in my opinion, the repeal people are because I think this unravels it, but those people do not feel that way;

So the Committee of Conference Report leaves out all of those individuals in this body.

Number two, I want to remind you that there are other education reports coming on this, the ones of the Committee—the bucket bills as they have fondly been named—so if this bill should fail, if the idea should fail, the things you need as fixes could be added to amendments in those bills, so I urge you to vote Ought Not to Pass on the Committee of Conference, on this item. Thank you.

Subsequently, the **Committee of Conference Report was ACCEPTED.**

Representative **TARDY** of Newport **REQUESTED** a roll call

on the motion to **RECEDE** and **CONCUR**.

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 Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to touch briefly on the work of the Committee of Conference. This wasn't a Unanimous Report from the Committee, and I want to make clear that the membership of the Committee and those of us who have advocated for 1932 in the form that we are looking at it today, this is not a group of people opposed to the idea of consolidation, this is not unraveling efforts towards consolidation that has been underway. In fact, this is an effort to make consolidation possible in a lot of places that, to date, have not been able to find a way, under the law that we adopted last year, to bring districts together, to consolidate central offices and administration, so we are trying to provide a vehicle, or series of vehicles, by which these groups can come together and make it possible.

The Ed Committee heard this bill originally on December 12, so from that point till today—we are closing in on four months now—when districts have been waiting for the Legislature to act, to deal with shortcomings in the consolidation law that was passed, they are still waiting to delay this, and to wait until other bills might come from the Ed Committee when we would have to go through this entire process again, only puts those districts further behind in terms of trying to come up with a way to achieve the kinds of administrative efficiencies we have all said we want. Districts have been waiting for a very long time; they are depending on us to send them something to make this workable for them, so I urge you to support the bill in its current form. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition, but I need to explain that stand.

I appreciate not only the work of the Committee of Conference, but also the work that many of us have put forward to install features in 1932 that are helpful to our school systems, our districts. However, 1932, that act was booked as a fix for the consolidation legislation that was passed last year, and my feeling is that it does not go far enough, it does not remove penalties, it leaves unreasonable timetables, and it does not address the flawed EPS funding formula. And there is no assurance that any savings will accrue, as were proposed, none of the assurances are there in the first place for the school consolidation effort.

I wanted to note the reason for my opposition and my appreciation of the work that was done to at least make it a more friendly piece of legislation, and I would probably turn around my vote if it had to resist some effort to veto it or something of that nature, which probably is not an appropriate comment, but thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As strange as it may seem, I agree with both of the previous speakers. I intend to support this legislation because there are communities that can move forward and would otherwise not be able to move forward, but I would also agree with the Representative from Blue Hill that we need to do some serious work in education. This original law was an abomination, and it was terrible for what it has done too

many areas of rural Maine. The funding formula is a disgrace and we should fix it, but this particular amendment will help some of our communities move forward constructively. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Concede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 249**

**YEA** - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Duchesne, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Gifford, Giles, Greeley, Hanley S, Hayes, Hill, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, Miller, Miramant, Moore, Muse, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Rand, Rector, Richardson D, Rines, Sarty, Silsby, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Beaudette, Cain, Carey, Casavant, Craven, Dill, Driscoll, Dunn, Fisher, Flood, Gerzofsky, Gould, Grose, Hamper, Harlow, Haskell, Hinck, Lansley, Lewin, Lundeen, Marley, McKane, McLeod, Millett, Mills, Nass, Norton, Percy, Prescott, Priest, Richardson W, Robinson, Rosen, Samson, Savage, Schatz, Simpson, Strang Burgess, Vaughan, Watson, Webster.

**ABSENT** - Blanchette, Duprey, Emery, Hogan, Pineau, Saviello.

Yes, 104; No, 41; Absent, 6; Excused, 0.

104 having voted in the affirmative and 41 voted in the negative, with 6 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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 Thursday, March 20, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-458)** - Committee on **LABOR** on Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran"

(S.P. 745) (L.D. 1934)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458)**.

**TABLED** - March 18, 2008 (Till Later Today) by Representative **TUTTLE** of Sanford.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Representative **BEAUDETTE** of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee 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 Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this because I am very uncomfortable; I have misgivings about a bill like this for several reasons.