

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

Appendix
House Legislative Sentiments
Index

Pages 1358-2163

Reference was made to Bill "An Act To Amend Motor Vehicle Laws"

(H.P. 1459) (L.D. 2075)

In reference to the action of the House on April 15, 2008 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

- Representative MARLEY of Portland
- Representative MAZUREK of Rockland
- Representative BROWNE of Vassalboro

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

Representative PERCY: Thank you, Mr. Speaker. Regarding Roll Call No. 395, LD 2095, I would like to be recorded as yea. Regarding Roll Call No. 396, LD 1858, I would like to be recorded as yea. Thank you.

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

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

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I not been here so late last night, I would have been here early enough this morning that I would have cast a yea vote on LD 2219, "An Act to Promote Transparency and Accountability in Campaigns and Governmental Ethics," Roll Call Vote No. 424. I would have voted yea. Thank you.

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

Representative SILSBY: Thank you, Mr. Speaker. On Roll Call No. 426, LD 2309, I wish to be recorded as yea.

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

Representative MacDONALD: Mr. Speaker, had I been present in the Chamber when we voted on "An Act to Enhance the Security of State Credentials", LD 2309, Roll Call No. 426, I would have voted nay. I wish to be so recorded.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** - Minority (5) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Enhance the Security of State Credentials" (H.P. 1669) (L.D. 2309)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION** of **Committee Amendment "A" (H-1020)**.

On motion of Representative PIEH of Bremen, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass**

as Amended by Committee Amendment "A" (H-1020) Report was **ACCEPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** Report.

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 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. 429

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, Representative PIEH of Bremen moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 430

YEA - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher,

Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative TARDY of Newport moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FAIRCLOTH 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 Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just because of the confusion, back and forth and back and forth, we are in the position of Accepting the Majority Ought to Pass as Amended Report.

Additionally, I would like to simply state that I believe that if we move forward with this, and I believe it is important that we have this, not this debate, this vote, that there may be a forthcoming amendment that people may find addresses some of their concerns. 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. 431

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchette, Browne W, Campbell, Carter, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Perry, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative MILLS of Farmington **PRESENTED House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020)**, 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, Men and Women of the House. My feelings on this matter are strong; they are as strong as any who spoke before me today in the lengthy debate on this issue. But today, I wanted to just kind of scream out is this my country; is this my democracy that puts us in this position; is this my Federal Government that brings this to this place, this confusing, mixed place that we are at; is it our government, our own government that demands we pass particular laws in violation of our own apparent will, our own government that we can no longer determine our own fate and help determine the fates and fortunes of the good people we represent who elected us to come down here?

Men and Women of the House, I was certainly tempted to speak earlier today and to talk to you about the law, legal ramifications of Real ID, on the Tenth Amendment, supremacy clause, federal preemption, the Constitution, all of its wonderful clauses. But now my speech is not about the law or the Constitution, it is only about choices: ours and our constituents. We have been told earlier that we had basically no choice but to vote for the underlying measure in order to force compliance with something called a Systematic Alien Verification for Entitlements program, etcetera, something that may well impose on our meager budgets the strain of yet another federal obligation, to transform our motor vehicle workers into immigration spies, uncompensated, unpaid pawns of the Federal Government, to deter and dissuade good people seeking refuge in our state from extreme misfortunes elsewhere, to spy on them and require documents at which they have perhaps no way of having, to render all of our people suspicious of one another, distrusting, against our grain.

Sunday night, on 60 Minutes, we heard about the Chief Investigator of Corruption in Iraq who has been forced to seek asylum in the United States, I don't know if you saw it. A guy who waits for a permanent visa at this moment, a very heroic individual who was imprisoned and tortured by Saddam Hussein, who exposed fraud and misuse of United States' funds in the millions and millions by the bureaucrats in Iraq. Now he hides, he seeks safety, asylum, in our country. If he comes to Maine, I hope he already has a driver's license.

We were told the legislation is necessary to protect our national security, that is to say what the bureaucracy in Washington defines as our national security. And the good Chief Executive on the second floor has exceeded to the relentless demands of the United States Government and the bureaucrats in Washington in good faith, and he says he has no choice. So I thought there really was no good way to vote on the previous motions. Make no mistake about it, if you were voting red, you meant you were depriving our people of their rights; if you voted green, you are depriving our people of their rights.

Like a lot of other people in this body today, I really felt like having a tea party. I have always been proud of my country. I have always held my head up high and tried to be a good citizen. I have tried to cooperate. I sit right next to a great patriot, the good Representative from Jay, a war hero, and I sit whisper distance from a member of the Greatest Generation, the good Representative from Kittery, also a war hero and patriot. Real ID is not what these good people fought for, risked their lives for,

lost friends, loved ones and comrades for. Real ID is not what they sacrificed for, it is not what my country stands for, it is not what our country is about.

So today, earlier, I kind of felt like taking a walk, I wanted to take a long ride away from here. I felt like taking a trip on a jet plane, a trip to nowhere, with or without a passport. I was most uncomfortable today in exercising my right to vote. I would like to have left, and perhaps a few of you would have joined me, remaining in the great Hall of Flags where I might have a cup of tea, sit quietly at peace with my own soul and maybe just read the Constitution. Instead, I voted Ought Not to Pass. But now, after great thought and a fair amount of work, I present an alternative, what I think and believe is a good faith alternative, a good faith attempt to accommodate the needs of our citizens so that they might not be denied their right to travel; so that they might not be denied entry into our federal courthouses to exercise their federal constitutional rights; access to our Social Security offices, federal buildings; access to our armories and other federal edifices, all paid for by tax dollars, all housing some of our most treasured rights. This amendment is a choice; perhaps that of a lesser entrée, a meal that is not rare by medium rare, a kinder, gentler version of LD 2209, and I offer it up with no hors d'oeuvres or flavoring. The amendment, I shall say, simply eliminates the immediate fiscal impact of the bill. It strips all of the license fee increases out of the bill—all of them. There is no net fiscal effect in this biennium. So it does not require the Secretary of State to reconfigure his computers, for instance, to accommodate changes in photography and what not, which was a very costly item in the Committee Amendment. Instead, it requires a much more thoughtful, deliberative approach. It gives the Secretary of State and us time to look at the most least cost expensive modes of implementing some of the things that we probably ought to implement. It gives us time to consider exactly what other states have done and how they may have avoided some of the costs we discussed earlier today. It is a choice, that is all, an act of good faith, which I hope will meet with your approval, the other body's approval, the Chief Executive's approval, and I hope will tame the unkind demands of the current administration in Washington and allow our citizens their full freedoms in this state. I hope you will follow my green light. Thank you.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020)**.

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 Adoption of House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 432

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Campbell, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hogan, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson,

Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Berry, Boland, Bryant, Burns, Cain, Canavan, Carey, Cleary, Dunn, Fischer, Hayes, Hinck, Jackson, Miramant, Percy, Pratt, Theriault, Trinward.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 124; No, 18; Absent, 9; Excused, 0.

124 having voted in the affirmative and 18 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) was ADOPTED**.

Representative CAREY of Lewiston **PRESENTED House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020)**, which was **READ** by the Clerk.

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

Representative CAREY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have before you an amendment that seeks to reconcile how I am conflicted with this issue, I echo a lot of what Representative Mills has said and I respect the leader of our state who is trying to find a solution to this problem that we find before us. At the same time, I am reconciling that with a grave concern that I have about the US constitutionality of what is before us today. The Constitution sets forth, in Article 1, Section 8, that Congress and Congress alone shall have the power to establish a uniform rule of naturalization—a uniform rule. What we have today is not uniform. What we would do is different than what New Hampshire would do is different than what Montana need not do and what Florida would do. We should have a uniform rule, and once we have a uniform rule, I will gladly comply with what my Federal Government is asking me to do in this, so that is the Amendment before you. Thank you, Mr. Speaker.

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 would like to thank the constitutional professor from Lewiston; he has talked quite a bit about the Constitution. This is personally the exact reason why I am voting against the pending amendment, because I do not—we spent an hour and a half talking about Real ID and the national database, so now we are going to allow Kansas and Nebraska and Senators from Oklahoma to define legal presence for us? I mean, I said this from the beginning: I do not like the idea of legal presence, but if I am going to accept it, I want the Maine Secretary of State to define legal presence

The good Representative from Calais, Representative Perry, talked about a unique situation because, in Maine, we had and unfortunately we don't any longer, an open border. The hospital in that section of the state was on the Canadian side. How do we expect someone from Washington D.C., who is there representing their state, their constituents, to understand the uniqueness of what we are trying to do. I think this is dangerous, it runs counter towards the arguments we are to oppose the entire idea of Real ID. I think it is a dangerous precedent. I appreciate the Representative trying to move this forward, but either you want a rubber stamp, national security card or you don't, and this is creating it. I very strongly oppose this, and I hope you will vote red on it.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very interesting and intriguing idea, I hadn't even heard about it before just a moment ago. But as I said earlier on the floor, I would support a national ID card. A national ID card means you have standards, one uniform standard, so I will support this amendment because it would move the country in the direction of a uniform standard. I don't understand how we are supposed to tell ourselves that we are safer by adopting individual states having all of their own ideas about what constitutes the right documents. There should be one rule that everyone follows. So I will be supporting the good Representative from Lewiston, and I hope you will follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I joked earlier today about how many of our constituents mistake us, at times, for members of Congress because they don't know the difference. I was certainly kidding, but it does happen often, I think, to many of us that people don't understand. But I, all kidding aside, want to bring people back to when we all stood here in this Chamber in December, on December 4, possibly, of last year, and we all raised our right hand, and we said we would uphold the Constitution of Maine and the statutes in Maine, and that we would uphold the Constitution of the United States and the laws of the United States. That is our promise.

So we can joke about whether the Representative from Lewiston is a constitutional scholar or not, but one of the things when you get elected office is that you are an arbiter of the Constitution, every one of us gets to determine what the Constitution means. We don't get to pass finally on what that Constitution means; the courts do. But every one of us, every Representative in every state around this country takes an oath of office about upholding the Constitution; every Executive in the United States takes an oath about upholding the Constitution. And what the gentleman from Lewiston has said is a very good point: Article 1 of the Constitution lays out what the powers of the Federal Government are. And as I said, quintessentially, interstate commerce, national security, immigration, are wholly things that the Federal Government should do and, under the Constitution, they could delegate to us to do those things. But he makes a good point: How can we have a uniform immigration policy in America if Maine chooses one and Iowa chooses another, Washington chooses one and Arizona chooses another? This is not our responsibility, and when the gentleman from Lewiston stands and says he thinks this is a constitutional problem, I agree with him. Because we raised our right hand and we made a promise to the people of the State of Maine that we would legislate on things that we thought were within our power, and I agree with him that immigration policy is not within the power of the State Legislature here in Maine to deal with, nor should it be. I encourage you to support this amendment.

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020)**.

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 Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for misspeaking about where the gentleman from Lewiston is from. We may all have to be arbiters of the Constitution, but evidently,

we do not have to be scholars about geography here in the State of Maine, so I certainly apologize.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 433

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Burns, Cain, Canavan, Carey, Casavant, Cleary, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Norton, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Barstow, Blanchette, Browne W, Campbell, Cebra, Chase, Clark, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Muse, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Berube, Bryant, Carter, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 69; No, 72; Absent, 10; Excused, 0.

69 having voted in the affirmative and 72 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020) was NOT ADOPTED**.

Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto was ADOPTED.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative **FAIRCLOTH** of Bangor **REQUESTED** a roll call **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto**.

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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Real quickly, a little bit of history that I know for this country is that it was founded on people taking a stand against corruption and tyranny. That is kind of what has peaked my interest in ever running for politics, and I think that some of us should reach down deep and get some intestinal fortitude and vote against this.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 434

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchard, Blanchette, Bliss, Browne W, Campbell, Casavant, Cebra, Chase, Connor, Cotta, Craven, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford,

Giles, Gould, Greeley, Hamper, Hanley S, Haskell, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Perry, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Simpson, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Cleary, Conover, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026)** thereto and sent for concurrence.

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

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

REPORTS OF COMMITTEE
Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend Teacher Confidentiality Laws"

(S.P. 912) (L.D. 2291)

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)**. **RECEDE** from **ADOPTION of COMMITTEE AMENDMENT "A" (S-577)** and **INDEFINITELY POSTPONE** same.

That the House **READ** and **ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1024)** and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1024)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR**.

Signed:

Representatives:

FARRINGTON of Gorham
NORTON of Bangor
MUSE of Fryeburg

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE** from **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-577)**.

The House **RECEDED** from **ADOPTION of COMMITTEE AMENDMENT "A" (S-577)**.

Committee Amendment "A" (S-577) was **INDEFINITELY POSTPONED**.

Committee of Conference Amendment "A" (H-1024) was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (H-1024)** in **NON-CONCURRENCE** and sent for concurrence.

ORDERS

On motion of Representative CONOVER of Oakland, the following Joint Resolution: (H.P. 1686) (Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, CARTER of Bethel, CASAVANT of Biddeford, CLARK of Millinocket, CLEARY of Houlton, CRAVEN of Lewiston, DRISCOLL of Westbrook, DUNN of Bangor, EATON of Sullivan, FAIRCLOTH of Bangor, HARLOW of Portland, HINCK of Portland, JACKSON of Allagash, JONES of Mount Vernon, MILLER of Somerville, MIRAMANT of Camden, PERRY of Calais, PIEH of Bremen, PINGREE of North Haven, PRATT of Eddington, PRIEST of Brunswick, SCHATZ of Blue Hill, SIMPSON of Auburn, SIROIS of Turner, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, WAGNER of Lewiston, WEBSTER of Freeport, WEDDELL of Frankfort, WOODBURY of Yarmouth, Senator: SCHNEIDER of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO ENSURE HEALTH CARE FOR ALL

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, every person in Maine and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested by rising health care costs, increased premiums, increased out-of-pocket spending, the decreased competitiveness of our businesses in the global economy and significant worker layoffs; and

WHEREAS, most health insurance access is provided through employment, and health insurance premiums have grown 4 times faster than worker earnings over the last 6 years; and

WHEREAS, Maine ranks 5th in the nation in access to health care and 2nd in quality and is committed to maintaining access to affordable, quality health care for all Maine people and all Americans; and

WHEREAS, forty-seven million Americans lack health insurance, with 129,000 people in Maine without health insurance; and

WHEREAS, even those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, those without health insurance suffer higher rates of mortality and a decreased quality of life; and

WHEREAS, access to consistent, preventive health care saves lives and dollars; and