

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
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Pages 1358-2163

Non-Concurrent Matter

Bill "An Act To Allow Direct-to-consumer Wine Sales"
(S.P. 781) (L.D. 1987)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) in the House on April 17, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575)** in **NON-CONCURRENCE**.

On motion of Representative TRINWARD of Waterville, the House voted to **RECEDE**.

The same Representative moved that the House **RECONSIDER** its action whereby **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575)** was **INDEFINITELY POSTPONED**.

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

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I present my amendment to the direct to consumer wine sale to speak to the issue of a landmark decision by the Supreme Court, where the State of Maine was involved and the US Federal Court of Appeals held that Maine was sued by an out of state winery, Cherry Hill Vineyard. The Cherry Hill's wine case, Maine regulatory structure regarding a shipment of wine, was upheld in the Court of Appeals because it supported our state's law applied evenly to all. If this law applies evenly to all, there is a constitutional challenge possible if we treat wine differently from other alcoholic beverages. We need to be fair and evenhanded through this bill, and that is the reason that I am presenting my amendment.

Subsequently, the same Representative **WITHDREW** her motion to **RECONSIDER** whereby **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575)** was **INDEFINITELY POSTPONED**.

Subsequently, the same Representative **WITHDREW** her motion to **RECEDE**.

Representative PINGREE of North Haven moved that the House **INSIST**.

On further motion of the same Representative, **TABLED** pending her motion to **INSIST** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)
(H.P. 1667) (L.D. 2307)

PASSED TO BE ENGROSSED in the House on April 8, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "F" (S-659)** in **NON-CONCURRENCE**.

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

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

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)
(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED**.

Representative SILSBY of Augusta **PRESENTED** **House Amendment "A" (H-1028)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose House Amendment "A" to LD 2323 and I would like to tell you why. I have had the great pleasure of serving on the Augusta School Board for the last eight years, and have gone through either different budget adoption processes through that experience. I feel so fortunate, as many of you I am sure do, to have local leaders who I trust on the planning board, city council, zoning board and on a school board. I rise today to present this amendment because I believe we should honor the work of these local leaders.

In LD 499, we wrote into law that all municipalities must adopt their school budgets in a school budget validation referendum. This seems innocent enough on the surface, but it ignores that many cities and towns in our state have created and voted on charters that serve as a framework the governance of their city or town. Many of these charters identify how a city or town will adopt their school budget. Our school consolidation legislation in LD 499, prescribed away of adopting a budget that directly contradicts many of the local charters in cities and towns throughout our great state. I rise to present this amendment because I think it is wrong that we tell these municipal charter commissions and these cities and towns that they must, in essence, ignore their charter and adopt a budget in a way that the state mandates. Our country was designed on a representative government to support the efficient and educated means of doing the business of running our countries, our cities and our towns. I believe that by asking our citizens to vote on every school budget, every year, we are eroding our representative government.

I would like to take a minute to just tell you how the Augusta school adopts their budget, because I think all of us kind of do it in a variety of different ways, but our charter describes a method in which we adopt our budget. First, we gather input from teachers and administrators, who then give it to the superintendent who presents a budget. The school board thoroughly examines that budget in a series of workshops. After lengthy public hearings, the school boards vote on that budget and send it to the city council. The City Council then thoroughly examines the budget, and either accepts it or asks the school boards to make some changes. The council then holds another public hearing; the city council then votes to approve or not approve the budget. Throughout this entire process, citizens have ample opportunity to examine their school budget and make recommendations and express their concerns, again, at two public hearings and at any point during the process, they can also contact their elected official. These charter commissions, people who adopt, who set forth what this charter will look like for these cities and towns, spend hours and hours creating a charter to govern their city or town. Citizens who are charged with adopting this charter worked tirelessly to review and address every aspect of a city or town's governance. I believe that our state should honor that process of local process and independence.

I have heard many people say that the referendum process will hold the citizens accountable for their local taxes. The supporters of this referendum process say that they are tired of people not seeing the connections between their taxes and spending on education. But I ask you, when is it going to end? People are tired of paying taxes at the county level, so why not put that budget up for adoption or through a referendum process? People are certainly tired of income and sales tax. Should we not put the state budget up for referendum? I ask you, when does it

end? We have a representative government where we can elect people who thoroughly examine, in detail, the budgets and act on our behalf and the best interests of the people of our great state. I think we need to honor that. I urge you to support House Amendment "A," and I thank you for your attention.

Representative PIOTTI of Unity assumed the Chair.
The House was called to order by the Speaker Pro Tem.

Representative PINGREE of North Haven moved that **House Amendment "A" (H-1028)** be **INDEFINITELY POSTPONED**.

The SPEAKER PRO TEM: 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 am certainly very sympathetic to the good Representative from Augusta and her position. Just to clarify what this amendment does is it would allow districts with municipal charters to not have to do a municipal budget referendum. I am not an expert certainly on what towns and cities in the State of Maine has municipal charters and which ones don't, but I can tell you that if your town has a town meeting form of government, you probably don't have a municipal charter. All the towns I represent, 10 of them, hold town meetings every year and under the law that we passed last year, we have to hold a budget referendum on our school budget sometime this year, probably in June for most towns. So what this amendment would do is exempt the big cities that have charters from the budget referendum requirements, but leave the rest of the towns in the State of Maine having to do it.

I have some real concerns about the very things that the good Representative brought up, what the budget referendum process means for representative democracy, what this process is going to mean overall for our state, but at this point we are all in it. I think that if you are going to take out the budget referendum requirement, you have to take it out for every town, small town and big city in the State of Maine. I think that is a much larger discussion. Clearly there are some charter concerns that some of the big cities have; I share their concerns but I just don't think this is an appropriate way to go about it. Thank you, Mr. Speaker. When the vote is taken, I request a roll call.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1028)**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak on this issue as somebody who supported the substance of what this amendment would do in the Education Committee. This was part of one of the bucket bills, 2281, the bill that ultimately became amended to be the vehicle for repeal.

I agree with the sentiments expressed by the Representative from Augusta. I, too, represent a charter community. It is not a big city, but the Town of Gorham is a charter community. I don't believe, I never have believed that our budget adoption process is broken and, as Representative Silsby has shown a great deal of commitment on this issue together with the Representative from Portland, Representative Harlow on the committee, I don't disagree with the notion that requiring budget validation referendum is perhaps an unnecessary step for charter communities. However, I will very reluctantly be supporting the

Indefinite Postponement of this amendment for one reason only and that is to if we were to add this amendment to the bill before us and send it to the other body, to follow our action, I have great concerns about what would happen in the next step of the process. In order to preserve the work that has gone into 2323, I will, as I said, reluctantly be voting in opposition, in support of the Indefinite Postponement. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have fallen on my sword for this issue. My city, it is not a city issue. Portland is going to be doing a referendum in May. I don't think it is reasonable, I don't think it is the right thing that they should be doing. Pennsylvania looked into this thing, this whole idea of a referendum. I did a lot of research on this, and they found it didn't save a nickel and it actually cost school districts money. I am going to vote in opposition to the Postponement, because I think this is very good for the charter communities, which have an elaborate system of getting their budgets through. The reason we have to have a referendum for some of the smaller communities that have combinations of many different schools is so that every community will have a say on what they are going to be spending in their budgets. So it isn't just a major unit going to make the budget for the smaller units, this way it gives everybody a say.

I agree with the good Representative Silsby from Augusta, but I go a little bit further. She said the same thing: Let's bring the whole state budget to referendum if it is going to save us a lot of money. There is no evidence of that at all. As a matter of fact, I think there is more evidence that it will cost us money, so I will vote against the Postponement, I can see why people would say, well why doesn't everybody have to do it? The reason I say it is charter communities that shouldn't have to do it, it will save \$800,000 over the year, out of the education budget, if charter communities don't have to do this. Portland is going to be spending \$40,000 out of the education budget for their referendum this May. Thank you very much, Mr. Speaker and Ladies and Gentlemen. I hope you will vote for Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not all big communities have charters. Again, I have three unions coming together. Two of those communities are charter communities. However, I think that if they were pulled out separate from the other members of that union that there really would be some difficulty, they would be treated differently, and I do believe that the populous in that committee would feel very much left out. The referendum is not just to save money, it is allowing every citizen to have a say on the school budget. As the communities get bigger and you have fewer people doing that and you see the communities around you with a referendum process, I think that would be more of a problem. So I will be voting for Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Samson.

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just rise to respond to that comment. Cities with charters have an elaborate system with lots of public involvement; it would be just a different format. Those of us that were in favor of this original bucket bill idea did not get the opportunity to vote on that because it was used for a vehicle for something else. I will be supporting this motion and being against the Indefinite Postponement, and I urge

you to consider it. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against Indefinite Postponement of this amendment. Lewiston has already set its referendum, so even though we are a charter municipality, this is not directly affecting us at the moment.

I would like to mention, first of all in response to an earlier comment, this amendment does not require municipalities with a charter not to have a budget referendum. They can certainly do so if they wish to. But, to me, I believe that we have made accommodations for municipalities that vary in terms of size and composition elsewhere in legislation we have passed associated with school consolidation, and I ask that this accommodation also be made for those us who are from charter municipalities that choose not to have the referendum. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

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

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To anyone able to answer, I just need to understand better in order to make up my own mind on this. As I understand, currently, in budget validation, the referendum process includes, if the total school budget exceeds the LD 1 spending caps, it includes a special section allowing the public to vote on whether to exceed the spending cap, and specifically designates how much the excessive spend is. I would just like to know how the public would have input into that particular dimension of the budget under the amendment that is currently being proposed.

The **SPEAKER PRO TEM**: The Representative from Bowdoinham, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to answer the question from the good Representative from Bowdoinham. I just want to say that they would have input during the regular public hearing process. There are two opportunities, again, in my city, for residents to come forward and express their concerns about exceeding those caps, what would happen at a normal process in the city council or town council, so they would have ample opportunity to be able to do that.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have this mixed up a little bit with the "bucket b" bill. The 5 percent over EPS, that is the option of it, that is "bucket b". This bill has no EPS involved in it at all.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. York has a charter and we have had it for a long time. I was eight years on the budget committee, four years as chair. We will vote on up to 32 or 33 articles on the school budget. If they have to hire a new teacher, the voters have to approve it. That is how detailed we get. If they buy a truck, the voters have to approve it. That is how we do it, so basically, we had a referendum by our charter all

along, and if they override, they have an option, there is an article allowing the voters to vote to override. That is how that works. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion with a little additional information. I understand the budget validation referenda is new for most of the State of Maine. I also come from a charter municipality. In fact, I believe we were originally chartered by the State of Massachusetts, but we don't like to talk about that; we have put that behind us and moved on to the State of Maine, proudly, in Orono.

Budget validation referenda is new. Some towns in Maine have tried it. The ones that have tried it seem to like it so far. As this law was originally built, it seemed to be one of those things that was new for everyone and has the potential to be used as a tool for understanding where our dollars are going and to breaking down any barriers to transparency at the local level. But really, the most important thing that I want to add to this debate is just the point of information that the law says that after three years, the third time you go to budget validation referenda, the voters in every town that does the BVR and that will be all towns in Maine, at the bottom of that ballot will also be asked the question do you wish to continue the budget validation referenda process. That was an intentional move on the part of this body, this Legislature last year, I believe, to acknowledge that budget validation referenda was new and everyone should start off on the same page, and then after that three year period, individual communities would be able to make that choice as to whether or not they will or will not proceed with budget validation referenda. So I do rise in support of this motion, and I do look forward to three years from now when we see which communities have said enough is enough, this is not a worthwhile process for us. They will have that opportunity and, who knows, mine might even be one of them. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to add, again, that I think what has been interesting to me through the process is we have had this elaborate and lengthy conversation about the federal mandates from Real ID. We have had so many expressions of concern that the Federal Government is telling our state what to do and that so much frustration has been stated with that process. It seems to me that we are kind of doing the same thing. These cities and towns have worked diligently to put forth a way in which they want to govern themselves. I watched my city's charter commission go through the process of adopting a charter, unbelievable testimony on every single line on what they want to do for their governance of their city. We are basically saying we don't care that you have spent hours and hours and hours on how you want to adopt a budget, we know best. I can't help but think it is kind of interesting that we can stand up and say no, no, we don't want the Federal Government to do that, but we can do that as a state and say that we think the referendum is the only way to be able to move forward on this. I think we need to respect our cities and towns. I am asking for some understanding that if a city-chartered town charter decides that they want to move forward and adopt their budget in this capacity, I think they should be respected. Thank you very much, Mr. Speaker.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Not to belabor this point at this hour on maybe the now second to last day of the legislative session, but I did just want to, again, repeat: I understand the concern about budget validation. This legislative body made the decision to put budget validation for all school districts into the law. I respect that charter communities have worked very hard, I truly do, but you have to know that the very small towns that have a town meeting for government have also worked very hard. I have the same superintendents in these small towns who are worried about whether or not the school budget is going to pass this year, they are very worried, just like some of the big cities are worried. But honestly, to repeal budget validation for towns that have charters but not the other towns that don't seems to me like a double standard. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Harlow. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a little difference between the small towns and Portland: We are talking about a \$90 million budget which is a little bit more confusing, and I am worried about what we are going to do when somebody looks at a \$90 million budget with ten budget issues that we can look at. That is \$90 million. That is more than each one of us is responsible for in education here, per capita. I am worried about the confusion that will come and what it will do to education.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1028). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 448

YEA - Austin, Ayotte, Babbidge, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Carey, Cebra, Chase, Clark, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Nass, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Rand, Rector, Richardson W, Rines, Rosen, Sarty, Savage, Schatz, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thomas, Valentino, Vaughan, Watson, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Barstow, Beaudette, Burns, Canavan, Carter, Casavant, Cleary, Connor, Crockett, Eaton, Hanley S, Harlow, Haskell, Hill, Johnson, Joy, Knight, Makas, Muse, Norton, Pratt, Priest, Samson, Silsby, Sutherland, Treat, Trinward, Tuttle, Wagner, Weaver, Wheeler.

ABSENT - Berube, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Saviello, Thibodeau, Tibbetts, Walker.

Yes, 100; No, 33; Absent, 18; Excused, 0.

100 having voted in the affirmative and 33 voted in the negative, with 18 being absent, and accordingly **House Amendment "A" (H-1028)** was **INDEFINITELY POSTPONED**.

Representative **JOHNSON** of Greenville **PRESENTED House Amendment "B" (H-1029)**, which was **READ** by the Clerk.

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

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment provides an exception to the minimum regional school unit size for School Union 60 and School Administrative District #12, to allow them to submit a plan for reorganization as a school unit, due to their geographic isolation and low population density of northern Piscataquis and Somerset Counties.

Mr. Speaker, this has been a discussion for a long time. There have been amendments submitted that didn't make it out of the Education Committee. Most people that I have talked to agree that this is a good thing to do. The communities involved in those two SADs had a state grant to study consolidation, prior to initiation of this law. They were well on their way and had identified savings of \$300,000. At this point in time, the communities are planning, because of the rules of the current law, with communities that don't make any sense at all for them consolidate with and have shown no savings. So this will allow what reasonable people believe this is the best alternative for these two school districts. The population of the two school districts is approximately 550 students. Thank you, Mr. Speaker.

Representative **PINGREE** of North Haven moved that **House Amendment "B" (H-1029)** be **INDEFINITELY POSTPONED**.

The **SPEAKER PRO TEM**: 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 think the good Representative from Greenville makes some very good points about the concerns of his district. I certainly hope that at some point we are able to address those concerns. I think that private and special laws, the next legislative session, may be where we end up going for many rural districts around the state that have trouble complying with this law. But at this point, I believe to give one private and special to one small part of the state will set a very difficult path for the rest of this law. I think there are towns in my district that would like a private and special, certainly towns in Aroostook County that would like a private and special. There is probably some town in your district that would like a private and special. But at this point, to allow this amendment to be attached to this bill, I think, sets us on a path that is a dangerous one. Thank you, Mr. Speaker. When the vote is taken, I request a roll call.

Representative **PINGREE** of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1029)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1029). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 449

YEA - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Casavant, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Norton, Pendleton, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Theriault, Treat, Trinward,

Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury.

NAY - Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Campbell, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Muse, Nass, Pinkham, Pratt, Prescott, Sarty, Schatz, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver.

ABSENT - Berube, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Percy, Pineau, Richardson D, Robinson, Saviello, Tibbetts, Mr. Speaker.

Yes, 82; No, 51; Absent, 18; Excused, 0.

82 having voted in the affirmative and 51 voted in the negative, with 18 being absent, and accordingly **House Amendment "B" (H-1029) was INDEFINITELY POSTPONED.**

Representative JOHNSON of Greenville **PRESENTED House Amendment "C" (H-1030)**, which was **READ** by the Clerk.

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

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Some folks didn't like the idea of a private and special, so let's broaden this. This amendment adds certain geographical isolated inland communities to the list that may serve fewer than 1,200 students under the law governing regional units. Basically, this takes the same amendment that I asked for before and applies it to any region in the State of Maine that is an isolated condition, having communities with schools located more than 25 miles apart. Thank you, Mr. Speaker.

Representative PINGREE of North Haven moved that **House Amendment "C" (H-1030) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-1030).**

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am confused. We are talking about special laws for special people that can't be proposed by a Representative from his district, but the Executive Branch can have people running all over this building offering special deals to add up votes to get what they want. Now why is it that we can't have rules or amendments changed so that small school districts can comply with this law, within reason, but the Executive Branch can make every deal they want to? I don't understand; I am confused. Can someone please explain it to me?

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-1030). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 450

YEA - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Mills, Norton, Pendleton, Percy, Pieh, Pilon, Pingree, Piotti, Priest, Rand, Samson, Silsby, Simpson, Sirois,

Smith N, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury.

NAY - Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Canavan, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Jackson, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson W, Rines, Rosen, Savage, Schatz, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Vaughan, Walker, Weaver.

ABSENT - Berube, Conover, Duprey, Eberle, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Sarty, Saviello, Tibbetts, Mr. Speaker.

Yes, 73; No, 60; Absent, 18; Excused, 0.

73 having voted in the affirmative and 60 voted in the negative, with 18 being absent, and accordingly **House Amendment "C" (H-1030) was INDEFINITELY POSTPONED.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.

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:

COMMUNICATIONS

The Following Communication: (H.C. 528)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 16, 2008

The Honorable Beth Edmonds, President of the Senate

The Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	24
Unanimous Reports	20
Ought to Pass	2
Ought to Pass as Amended	13
Ought Not to Pass	4
Referred to Another Committee	1
Divided Reports	2
Committee Bills & Papers	2
Pursuant to Statute	1
Pursuant to Resolve	1
Gubernatorial Nominations	6