The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Paul Dumais, Parish of the Holy Spirit, Waterville.

Colors presented by Sergeant Lionel Lavoie, United States Marine Corp., Frenchville and Staff Sergeant Carl Simone, Maine National Guard, Windham.

National Anthem by Melanie Saucier, Fort Kent Elementary School.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Laws Concerning Registration of Engineers" (S.P. 537) (L.D. 1548)

Came from the Senate, REFERRED to the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT and ordered printed.

REFERRED to the Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT in concurrence.

Bill "An Act To Control the Spread of Methamphetamines" (S.P. 523) (L.D. 1507)

Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT suggested and ordered printed.

Came from the Senate, REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed.

REFERRED to the Committee on HEALTH AND HUMAN SERVICES in concurrence.

Non-Concurrent Matter

Bill "An Act To Ensure Appropriate Development in Lands under the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 1088) (L.D. 1547)

REFERRED to the Committee on NATURAL RESOURCES in the House on April 4, 2005.

Came from the Senate REFERRED to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Joint Order authorizing the Joint Standing Committee on Natural Resources To Report Out a Bill relative to laws governing growth management (H.P. 1040)

READ and PASSED in the House on March 29, 2005.

Came from the Senate INDEFINITELY POSTPONED in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

COMMUNICATIONS

The Following Communication: (H.C. 122)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE  04333-0002

April 4, 2005
Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, ME  04333

Dear Clerk MacFarland:

Pursuant to my authority under M.R.S.A. Title 30-A § 4350, I am pleased to appoint the following Representatives to the Community Preservation Advisory Committee:

Honor. James M. Schatz of Blue Hill
Honor. Anne Perry of Calais
Hon. William R. Walcott of Lewiston
Hon. David C. Webster of Freeport
Hon. Robert W. Nutting of Oakland

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

Speaker of the House

READ and ORDERED PLACED ON FILE.
L.D. 115 An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes
L.D. 241 An Act To Ensure That the Exemption for Pensions Is Applied Fairly
L.D. 365 An Act To Provide the Veterans’ Property Tax Exemption to All Veterans
L.D. 736 An Act To Provide Property Tax Relief to County Taxpayers
L.D. 528 An Act To Have Counties Retain All the Proceeds from the Real Estate Transfer Tax
L.D. 965 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide a $5,000 Property Tax Exemption to Veterans, Regardless of Home Value
L.D. 1019 An Act To Increase the Tax Imposed on Lodging
L.D. 1086 An Act To Increase the Real Estate Transfer Tax on Out-of-state Purchasers
L.D. 1103 An Act To Provide Funding to the Land for Maine’s Future Fund
We have also notified the sponsors and cosponsors of each bill listed of the Committee’s action.
Sincerely,
S/Sen. Joseph Charles Perry
Senate Chair
House Chair
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 125)

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
April 1, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333
Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 854 An Act To Ban the Distribution of Children’s Products That Contain Mercury Batteries
L.D. 1022 An Act To Amend the Laws Governing Shoreland Zoning
L.D. 1071 Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law
L.D. 1097 Resolve, To Discourage After-the-fact Department of Environmental Protection Applications
We have also notified the sponsors and cosponsors of each bill listed of the Committee’s action.
Sincerely,
S/Sen. Joseph Charles Perry
Senate Chair
House Chair
READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE
The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were REFERRED to the following Committees, ordered printed and sent for concurrence:

HEALTH AND HUMAN SERVICES
Resolve, To Establish the Commission To Study the Delivery of Services to Maine Citizens with Brain Injuries (EMERGENCY) (H.P. 1095) (L.D. 1554)
Sponsored by Representative LERMAN of Augusta.
Cosponsored by Senator MAYO of Sagadahoc and Representatives: BURNS of Berwick, CRAVEN of Lewiston, CURLEY of Scarborough, GROSE of Woolwich, MAKAS of Lewiston, PINGREE of North Haven, TRAHAN of Waldoboro, WEBSTER of Freeport.
Bill “An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services” (H.P. 1096) (L.D. 1555)
Sponsored by Representative LERMAN of Augusta.
LES FRANCO-AMÉRICAINS

Considérant que, l'état du Maine a célébré l'année dernière le 400ième anniversaire du premier village français au Nouveau Monde sur l'île Sainte-Croix en 1604; et
Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et
Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et
Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; et maintenant, alors, qu'il soit
Résolu, que nous, les membres de la Cent-Vingt-Deuxième Législature, assemblés dans la première session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré mercredi, 6 avril, 2005, à la Capitale de l'État; et qu'il soit aussi
Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

**JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the Towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, on behalf of the people we represent, proclaim that Wednesday, April 6, 2005 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That we suggest that Franco-American Day be celebrated annually to commemorate the rich history of the French people in the State of Maine and the United States of America.

**READ.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative MUSE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House.

Résolution Conjointe Honorant Les Franco-Américains

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, l'état du Maine a célébré l'année dernière le 400ième anniversaire du premier village français au Nouveau Monde sur l'île Sainte-Croix en 1604; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, les francos-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-Deuxième Législature, assemblées dans la première session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré mercredi, 6 avril, 2005, à la Capitale de l'État; et qu'il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

Subsequently, the Joint Resolution was ADOPTED. Sent for concurrence.

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Agnes (Daigle) Beaulieu, of Madawaska, who has been inducted into the Franco-American Hall of Fame. Mrs. Beaulieu has been married to her husband, Cyril, for 60 years. They have five children, Daniel, Alfred, Cecilia, John and Claudette, 8 grandchildren and 4 great-grandchildren. Mrs. Beaulieu assisted her husband in all of his enterprises, especially the St. John Valley Creamery and the Brunswick Bottling Company. In addition to her work in scouting, the PTA and the 4-H Club, she was a library volunteer until she went back to college and became the librarian for the Madawaska schools. She is a lifelong learner. She served on countless commissions and community boards. She was involved in the Save Our French movement, now Le Club Francais. She raised all her children to be bilingual in French and English. She is one of the producers of the Club Francais newsletter, Le Fanal. She encouraged her children to study music, at which they all excelled. Her son John has played the organ all over America, Europe, Africa and the Caribbean, and he even performed for Pope John Paul II. She has always been a patron of the arts and has encouraged several generations to find fulfillment through the arts. She is a voracious reader and prolific writer. Always keeping up with the fast-changing times, she is a self-taught computer whiz. We extend our congratulations to Mrs. Beaulieu on her achievements;

Presented by Representative PARADIS of Frenchville, Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On OBJECTION of Representative PARADIS of Frenchville, was held in accordance with House Rule 519 and Joint Rule 213, Special Sentiment Calendar. READ and PASSED and sent for concurrence.
Recognizing:
Cyril Beaulieu, of Madawaska, who has been inducted into the Franco-American Hall of Fame. Mr. Beaulieu is a family man, entrepreneur par excellence, community builder, businessman, developer, organizer, inventor, policy maker, responsible river user and active supporter of an international seaport at Rivière-du-Loup, Maine-Québec ententes and a north-south highway system. He founded many civic and fraternal organizations and chaired many projects. He served on municipal committees, including the budget committee and the industrial park committee. As a friend of governors and senators, he could lobby with the best of them. He was a founder of the Quebec, New Brunswick and Maine Alliance, understanding the importance of interrelationships between the 2 countries, the states and the provinces. He has been a Catholic Church leader, builder, choir director, genealogist and historian, having completed many volumes of work and is a 50-year Knight of Columbus. We extend our appreciation to Mr. Beaulieu for his many contributions to the French language and culture and extend our congratulations to him on his achievements.

(HLS 472)

Presented by Representative PARADIS of Frenchville.
Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Fort Kent.

On OBJECTION of Representative PARADIS of Frenchville, was REMOVED from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.
Representative PARADIS: Merci, Monsieur Le Président.
Monsieur Le Président, messieurs et dames de la Chambre.
Cyril et Agnès Beaulieu personnifient l’histoire de la Vallée St-Jean pendant plus d’un demi-siècle. Ils ont été tous deux au centre du progrès qui a eu lieu dans notre belle région de l’état.
Cyril et Agnès Beaulieu personifient the history of the St. John Valley for more than a half-century. Both of them have been at the center of the progress that has taken place in our beautiful region of the State.

Cyril a écrit beaucoup non seulement au sujet de ses entreprises mais aussi de l’économie de la Vallée St-Jean. Il a toujours été un supporteur ardent de l’héritage Franco-Américain, il a représenté le sens créatif et pratique des colonisateurs acadiens au nord du Maine. Agnès a aussi écrit a propos de son expérience comme bibliothécaire dans les écoles de Madawaska et avec la Bibliothèque Publique de Madawaska. Elle offre présentement ses talents professionnels comme volontaire dans la Bibliothèque Mikesell au Centre Français de la Vallée St-Jean.

Cyril has written extensively, not only about his business endeavors but also about the economy of the St. John Valley. He has also been a strong supporter of the Franco-American heritage throughout the state. In fact, he symbolizes the ingenuity and practicality of the French-Acadian settlers in northern Maine. Agnès has also written about her experience as a librarian in the Madawaska schools and with the Madawaska Public Library. She continues her librarian work as a volunteer with the Mikesell French Library at the French Center of the St. John Valley.

Ce couple remarquable avec plus de 60 ans de mariage continue a inspirer les gens de tout âge, mais surtout les jeunes, qui voient dans les Beaulieu un esprit jeune et une motivation qui ne connaît pas de limites.

This remarkable couple, with over 60 years of marriage, continues to inspire people of all ages but especially the young, who see in the Beaulieus a youthful spirit and motivation without limits.

Ce beau couple de Madawaska Mérite bien le grand honneur d’être immortalisé au sein du Franco-Américain Hall of Famé.

This beautiful couple from Madawaska richly deserves the great honor of being immortalized in the Franco-American Hall of Fame.

Accordingly, the sentiments was PASSED and sent for concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The following item 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 yesterday, had preference until disposed of as provided by House Rule 502.

侵略 of Legislative Sentiment in Memory of David E. Adams, Auburn.

TABELD - March 22, 2005 (Till Later Today) by Representative MAKAS of Lewiston.

PENDING - ADOPTION

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Makas.
Representative MAKAS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I first met Dave Adams in 1992. I was working on a campaign and Dave came to help, something he did his entire life. He was always there when someone needed a hand or a few words of encouragement. That was just the way he was; that is who he was - a big man with a big smile and a huge heart cloaked in red, white and blue suspenders. I am honored to have known Dave and we will all miss him greatly.

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

Representative SHEIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. David Adams was my opponent in the last election. He was a good man, and he was a good citizen and he was well regarded in our community. He served the city of Auburn well in a number of capacities and continued to serve the city well while on the charter commission at the time of his untimely death. We regret the loss of David Adams.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.
Representative DUPLIESSE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is in deed an honor to speak today for my departed brother Dave Adams.
I first met Dave 25 years ago at a Maine AFL-CIO convention. Dave was an advocate for his union, the International Brotherhood of Electrical Workers, Local 1837, for the employees at Central Maine Power Company. We served together on the AFL-CIO executive board in the late ‘80s and Dave was always a strong advocate for the people that he represented. A very honorable man and always concerned about the safety and the health and welfare of all citizens, not just the employees he represented in the union.

I wish to offer my belated sympathies to the family whereas after Dave’s passing I was out of town that complete weekend. My condolences go to Jenny and the family. Godspeed.

Subsequently, the Sentiment was ADOPTED and sent for concurrence.

CONSENT CALENDAR First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 20) (L.D. 40) Bill "An Act To Require That All Persons Engaging in Asbestos Abatement Activities Be Subject to Licensing and Certification Requirements" Committee on NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (S-63)

(S.P. 38) (L.D. 96) Bill "An Act To Increase the Adult Education State Subsidy by a Specific Percentage" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-63)

(S.P. 82) (L.D. 229) Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices Committee on INSURANCE AND FINANCIAL SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-64)

(S.P. 100) (L.D. 338) Bill "An Act To Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Opportunities" Committee on INSURANCE AND FINANCIAL SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-65)

(H.P. 444) (L.D. 611) Bill "An Act To Strengthen Tenants' Rights When There is a Failure To Correct a Dangerous Condition" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass

(H.P. 46) (L.D. 50) Bill "An Act To Ban Remote-control Hunting" Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-110)

(H.P. 445) (L.D. 612) Bill "An Act To Authorize the Transfer of Hunting Permits" Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-112)

(H.P. 687) (L.D. 977) Bill "An Act To Create a Civil Violation for Operating a Snowmobile Left of Center" Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-111)

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:


(H.P. 94) (L.D. 116) Bill "An Act To Provide Tax Relief for People with Functional Limitations" (C. "A" H-108)

No objections having been noted at the end of the Second Legislative Day, the House Papers were PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Increase the Limit on the Right To Rejoin the Maine State Retirement System"

(H.P. 391) (L.D. 515) (C. "A" H-106)

Was reported by the Committee on Bills in the Second Reading and READ the second time.

On motion of Representative HOGAN of Old Orchard Beach, was SET ASIDE.

The same Representative REQUESTED a roll call on PASSAGE TO BE ENGROSSED as Amended.

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 Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 70


NAY - Annis, Bierman, Bishop, Bryant-Deschenes, Carr, Cresssey, Crossthwaite, Fio, Joy, Lindell, McKane, Pinkham, Richardson D, Richardson W, Stedman, Thomas, Vaughan.

Absent - Adams, Beane, Bagley, Hanley S, Hotam, Jackson, Lerman, Lewin, Marraché, Ott, Pelletier-Simpson.

Yes, 123; No, 17; Absent, 11; Excused, 0.

123 having voted in the affirmative and 17 voted in the negative, with 11 being absent, and accordingly the House Paper was PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence. ORDERED SENT FORTHWITH.

___________________________________________

H-362
At this point, the Speaker recognized the Representative from Bangor, Representative DUNN, the Representative from Warren, Representative RICHARDSON, the Representative from Hampden, Representative DIPIREY, and they were added to the quorum call of the First Special Session of the 122nd Legislature.

**ENACTORS Acts**

An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists

(S.P. 314) (L.D. 906)

Reported by the Committee on Engrossed Bills as truly and strictly engrossed, PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on LEGAL AND VETERANS AFFAIRS reporting Ought Not to Pass on Bill "An Act Regarding the Late Payment of Rent"

(H.P. 260) (L.D. 337)

Signed:

Representatives:

MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
OTT of York
VALENTINO of Saco

PATTY of Rumford
TUTTLE of Sanford
HORTHAM of Dixfield
MOORE of Standish
BROWN of South Berwick

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

Signed:

Representative:

PLOWMAN of Penobscot

Representative:

PINKHAM of Lexington Township

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority Ought Not to Pass Report.

READ.

On motion of Representative PATRICK of Rumford, the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence. ORDERED SENT FORTHWITH.

At this point, Speaker recognized the Representative from Cherryfield, Representative DUGAY, and he was added to the quorum call of the First Special Session of the 122nd Legislature.

The House recessed until 11:15 a.m. or the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 16) (L.D. 11)

TABLED - April 5, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - PASSAGE TO BE ENGROSSED.

Representative LANSLEY of Sabattus PRESENTED House Amendment "A" (H-113), which was READ by the Clerk.
Right now, the statute states that the parents are supposed to bring these items in and hand them to the person that administers, but as I've seen the kids are transporting these drugs so they are not following that. These raw drug fact sheets which will tell about it and have a little more regulation to make sure that the parents are doing this, that one is the item. The other item is the proper storage. As I stated, I find them in the teacher's mailboxes, I find them in desk drawers and I find the kids even have them and bring them down at the time they are supposed to and bring them down to the person administering. They are not supposed to have them. We have had some issues in one of our high schools where the kids were selling their ADHD drugs. The kids take them, crush them up and mix them with other medications and get designer drugs from it, which is another point.

As training goes, the new resolve requires a couple hour course training for someone to administer and they would be responsible for this. As I stated also, doing continuing education, they can do this over the Internet and there is no cost involved. The initial cost is already in the resolve so a fiscal note is very limited but they could do these continuing educations to keep themselves up to date with specific drugs coming out that have different or adverse effects on peoples health. Well, they can keep up with this on the continuing education.

One of the other points is that the initial training that is provided does not specify what type of training it is. There is already training that involves that, it's out there and we should have a listing of that training and who they go to.

The unlicensed school personnel, as far as a liability, right now there is nothing stated for liability purposes. What is the liability factor of someone who is trained and not trained? I found out that there is really no difference. They are both going to be liable no matter what. You would take it personally if some kid has some type of allergic reaction. I can tell you personally that it hits you quite hard. It's not a matter of the liability factor even and when you harm a kid like that and they don't know well that's just terrible there is no reason for it whatsoever. I feel strongly about this and I ask your support for this amendment.

Representative NORTON of Bangor moved that House Amendment "A" (H-113), be INDEFINITELY POSTPONED.

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 point out to you that this came from committee as a 12-1 report. The problem with this amendment as I see it is that it is an amendment to a rule.

These rules were written because of statutes that we passed; that the Education committee passed previously. In my mind this circumvents the process. There may be some far reaching language in this amendment that has not actually gone through the process. It has not come before the committee; it has not withheld the public hearing and has not come out of committee with a positive vote. It has just not been determined to be the way that this amendment would cause it to be. Anytime we have had public hearings on meds administered in schools there are always problems. At another time I might even feel differently.

I don’t look at what the good Representative from Sabattus, Representative Lansley has written here and say there is anything technically wrong, however, it is circumventing the process. Currently, schools must have a medication administration policy that includes the requirement that all unlicensed personnel be trained before administering medication. We have had a lot of testimony on this. Ideally this doesn’t happen without a lot of prior training, but in an ideal world kids don’t come to school having to take meds. My fear is that if we try to push something like this through the school board, superintendents who have come to us and spoken on this issue will not have the confidence that we care about what happens to the kids. A lot of little children need help taking their meds.

Our personnel in schools are currently trained and do that to the best of their ability. The fear I would have is that that will stop happening and I would hate to see children kept home from school because they needed cough medicine at noon time or because a parent couldn’t come to school during their workday and administer the medication. I urge you to follow my light and vote Ought Not to Pass and furthermore I would ask for a roll call on this issue please.

The same Representative REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "A" (H-113).

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

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

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A lot of us don't have to access to those substantive rules that have come through and are part of LD 11. They are not in LD 11, so Mr. Speaker, may I pose a question through the chair?

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The question is, do the rules that you have give adequate protection, security and administration of the medications that children have to take while they are in school?

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Could I ask the good Representative to restate his question I did not follow him?

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

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The question is: in the substantive rules that you have in LD 11, is there in place or will there be proposed adequate security, protection and any of the policies that must be enforced or carried out in the school system. Is it my belief personally, in my school, that these rules be reviewed annually at the beginning of the school year and the updates are given to people who need those updates in various fields and it is my belief that some of these items, which obviously I consider first of all as common sense, ...
are currently being used in the schools and I know for a fact that they are in mine.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative VAUGHAN: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is, the rules of the superintendents notwithstanding, is it within the statutory allowance of the statutes of the State of Maine for a person other than the parent to be distributing prescription drugs to children? Thank you.

The SPEAKER: The Representative from Durham, Representative Vaughan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe in the rule the schools do have the authority to administer these drugs to the students as informed by the parents when they bring the drugs to school. Now if these operations aren't being followed that's another issue. The rules do say that the schools do have that authority. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-113). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 71


ABSENT - Adams, Berube, Fisher, Hotham, Koffman, Lerman, Lewin, Orl, Pelletier-Simpson. Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly House Amendment "A" (H-113) was INDEFINITELY POSTPONED.

Subsequently, the Resolve was PASSED TO BE ENGROSSED and sent for concurrence. ORDERED SENT FORTHWITH.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-114) on Bill "An Act To Amend the Maine Juvenile Code" (H.P. 181) (L.D. 242)

Signed:
Senators:
DIAMOND of Cumberland
CLUKEY of Aroostook
NUTTING of Androscoggin

Representatives:
BLANCHETTE of Bangor
HANLEY of Gardiner
CHURCHILL of Washburn
SYKES of Harrison

GROSE of Woolwich

DAVIS of Augusta

Minority Report of the same Committee reporting Ought Not to Pass on same Bill.

Signed:
Representatives:
PLUIMER of Windham
GERZOFSKY of Brunswick
PARADIS of Frenchville

READ.

Representative BLANCHETTE of Bangor moved that the House ACCEPT the Majority Ought to Pass as Amended Report.

On further motion of the same Representative, TABLED pending her motion to ACCEPT the Majority Ought to Pass as Amended Report and later today assigned.

On motion of Representative MAKAS of Lewiston, the House adjourned at 11:49 a.m., until 10:00 a.m., Thursday, April 7, 2005 in honor and lasting tribute to David E. Adams, of Auburn.