

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Fourth Legislature
State of Maine

Volume I

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
6th Legislative Day
Tuesday, January 27, 2009

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

Prayer by Pastor Joseph Duncan, Second Baptist Church of Islesboro.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

Doctor of the day, Janice Petzel, M.D., Hallowell.

The Journal of Wednesday, January 21, 2009 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Study the Feasibility of Expanding the Curriculum of the Maine School of Science and Mathematics

(H.P. 66) (L.D. 76)

Unanimous **REFER TO THE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS** pursuant to the Public Law 2007, chapter 660, section 18 Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on January 13, 2009.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS** pursuant to the Public Law 2007, chapter 660, section 18 Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Require the Teaching of Agricultural Studies in Maine's Schools"

(H.P. 112) (L.D. 128)

Unanimous **REFER TO THE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS** pursuant to the Public Law 2007, chapter 660, section 18 Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on January 15, 2009.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS** pursuant to the Public Law 2007, chapter 660, section 18 Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolutions 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses (EMERGENCY)

(H.P. 193) (L.D. 247)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: DAVIS of Sangerville, GIFFORD of Lincoln, HANLEY of Gardiner, JOY of Crystal, SAVIELLO of Wilton, THERIAULT of Madawaska, THOMAS of Ripley, Senator: JACKSON of Aroostook.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds" (EMERGENCY)

(H.P. 184) (L.D. 230)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: AYOTTE of Caswell, BEAULIEU of Auburn, BLANCHARD of Old Town, BRYANT of Windham, CLARK of Millinocket, CLEARY of Houlton, DAVIS of Sangerville, FITTS of Pittsfield, FLETCHER of Winslow, GIFFORD of Lincoln, HINCK of Portland, HUNT of Buxton, JONES of Mount Vernon, KNIGHT of Livermore Falls, LAJOIE of Lewiston, MacDONALD of Boothbay, PETERSON of Rumford, SAVIELLO of Wilton, SMITH of Monmouth, STRANG BURGESS of Cumberland, THERIAULT of Madawaska, VAN WIE of New Gloucester, WAGNER of Lyman, WATSON of Bath, WEAVER of York, Senators: BARTLETT of Cumberland, BRYANT of Oxford, DAMON of Hancock, GOODALL of Sagadahoc, JACKSON of Aroostook, SCHNEIDER of Penobscot.

Bill "An Act To Appropriate Funds To Equip State Trooper Cars with Cages"

(H.P. 212) (L.D. 269)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator NASS of York and Representatives: BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, BUTTERFIELD of Bangor, CUSHING of Hampden, DUCHESNE of Hudson, FOSSEL of Alna, GOODE of Bangor.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions"

(H.P. 186) (L.D. 232)

Sponsored by Representative RICHARDSON of Warren.

Bill "An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means"

(H.P. 213) (L.D. 270)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representative: PIEH of Bremen.

Bill "An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts" (EMERGENCY)

(H.P. 214) (L.D. 271)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: MILLER of Somerville, PERCY of Phippsburg, PIEH of Bremen, Senator: TRAHAN of Lincoln.

Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 215) (L.D. 272)

Sponsored by Representative MacDONALD of Boothbay.
Cosponsored by Representatives: CROCKETT of Augusta, PILON of Saco, Senator SCHNEIDER of Penobscot and Representatives: BEAUDETTE of Biddeford, CLEARY of Houlton, GILES of Belfast, HINCK of Portland, MILLER of Somerville, RUSSELL of Portland, SMITH of Monmouth.

Bill "An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed"

(H.P. 216) (L.D. 273)

Sponsored by Representative MacDONALD of Boothbay.
Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative CLEARY of Houlton, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act Regarding Bail Defaults and the Extradition Account"

(H.P. 195) (L.D. 249)

Sponsored by Representative CROCKETT of Augusta.
Cosponsored by Senator HASTINGS of Oxford and Representatives: BLANCHARD of Old Town, BLODGETT of Augusta, BROWNE of Vassalboro, HANLEY of Gardiner, HASKELL of Portland, SYKES of Harrison, VALENTINO of Saco, Senator: GERZOFKY of Cumberland.

Bill "An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana"

(H.P. 196) (L.D. 250)

Sponsored by Representative CROCKETT of Augusta.
Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BLANCHARD of Old Town, BLODGETT of Augusta, BROWNE of Vassalboro, CONNOR of Kennebunk, HANLEY of Gardiner, HASKELL of Portland, WEBSTER of Freeport, Senator: ALFOND of Cumberland.

EDUCATION AND CULTURAL AFFAIRS

Resolve, Directing the Chancellor of the University of Maine System and the President of the Maine Community College System To Develop Recommendations To Address the Professional Needs of State Employees

(H.P. 185) (L.D. 231)

Sponsored by Representative LOVEJOY of Portland.
Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, CASAVANT of Biddeford, HASKELL of Portland, SUTHERLAND of Chapman, Senator: WESTON of Waldo.

Bill "An Act To Transfer Authority for School Food Service Programs to the Department of Agriculture, Food and Rural Resources"

(H.P. 194) (L.D. 248)

Sponsored by Representative PERCY of Phippsburg.

HEALTH AND HUMAN SERVICES

Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

(H.P. 187) (L.D. 233)

Sponsored by Representative JONES of Mount Vernon.
Cosponsored by Senator SULLIVAN of York and Representatives: PERRY of Calais, SMITH of Monmouth, THOMAS of Ripley, TREAT of Hallowell, Senators: BRANNIGAN of Cumberland, MILLS of Somerset.

Bill "An Act Regarding the Transfer of Nursing Facilities"

(H.P. 198) (L.D. 252)

Sponsored by Representative AYOTTE of Caswell.
Cosponsored by Senator JACKSON of Aroostook and Representatives: BEAULIEU of Auburn, EDGECOMB of Caribou, JOY of Crystal, LEWIN of Eliot, McFADDEN of Dennysville, MILLETT of Waterford, THOMAS of Ripley, Senator: SHERMAN of Aroostook.

Bill "An Act To Enact a 5-point Welfare Reform Program"

(H.P. 200) (L.D. 254)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Senator PLOWMAN of Penobscot and Representatives: AUSTIN of Gray, FITTS of Pittsfield, HAMPER of Oxford, JOY of Crystal, ROBINSON of Raymond, SARTY of Denmark, SYKES of Harrison, THOMAS of Ripley.

Bill "An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor"

(H.P. 197) (L.D. 251)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Representative TARDY of Newport, Senator PLOWMAN of Penobscot and Representatives: AUSTIN of Gray, FITTS of Pittsfield, JOY of Crystal, SARTY of Denmark, SYKES of Harrison, THOMAS of Ripley.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative PERRY of Calais, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Repeal the Requirement That Alien Big Game Hunters Be Accompanied by Guides Licensed by the State"

(H.P. 199) (L.D. 253)

Sponsored by Representative FLOOD of Winthrop.
Cosponsored by Representative SUTHERLAND of Chapman, Senator SHERMAN of Aroostook and Representatives: DAVIS of Sangerville, JOY of Crystal, RICHARDSON of Carmel, SAVIELLO of Wilton, WATSON of Bath, WEAVER of York.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters

(H.P. 202) (L.D. 256)

Sponsored by Representative JOHNSON of Greenville.
Cosponsored by Senator COURTNEY of York and Representative: DAVIS of Sangerville.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Expand Access to Oral Health Care"

(H.P. 188) (L.D. 234)

Sponsored by Representative JONES of Mount Vernon.
Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, BECK of Waterville, BUTTERFIELD of Bangor, PERRY of Calais, SMITH of

Monmouth, THOMAS of Ripley, Senator: BRANNIGAN of Cumberland.

Bill "An Act To Allow Persons Licensed for the Practice of Manicuring To Provide Treatment for Diabetics"

(H.P. 201) (L.D. 255)

Sponsored by Representative THERIAULT of Madawaska.

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BOLAND of Sanford, CLARK of Millinocket, GIFFORD of Lincoln, LAJOIE of Lewiston, PEOPLES of Westbrook, PERCY of Phippsburg.

Bill "An Act To Establish the Health Technology Clinical Committee"

(H.P. 203) (L.D. 257)

Sponsored by Representative PRIEST of Brunswick.

Cosponsored by Senator BOWMAN of York and Representatives: BEAUDOIN of Biddeford, BECK of Waterville, FOSSEL of Alna, GOODE of Bangor, MILLER of Somerville, PERRY of Calais, TREAT of Hallowell.

Bill "An Act To Require That Insurance Contracts Include a Plain Language Summary"

(H.P. 217) (L.D. 274)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representative: PIEH of Bremen.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Modify the Citizen Initiative Process"

(H.P. 189) (L.D. 235)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator MILLS of Somerset and Representatives: CAREY of Lewiston, MILLER of Somerville, Speaker PINGREE of North Haven, PIOTTI of Unity, ROTUNDO of Lewiston, Senators: BARTLETT of Cumberland, President MITCHELL of Kennebec, ROSEN of Hancock.

Bill "An Act Regarding Political Signs"

(H.P. 204) (L.D. 258)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator SMITH of Piscataquis and Representatives: CLARK of Millinocket, CROCKETT of Bethel, JOHNSON of Greenville, THOMAS of Ripley, Senators: RAYE of Washington, ROSEN of Hancock.

Bill "An Act To Amend the Maine Clean Election Act"

(H.P. 205) (L.D. 259)

Sponsored by Representative GILES of Belfast.

Cosponsored by Senator PLOWMAN of Penobscot and Representatives: CLEARY of Houlton, EDGEComb of Caribou, McKANE of Newcastle, PILON of Saco, PRESCOTT of Topsham, SCHATZ of Blue Hill, TREAT of Hallowell, Senator: NUTTING of Androscoggin.

NATURAL RESOURCES

Bill "An Act To Provide Access to Regional Greenhouse Gas Initiative Auction Funds to Maine Indian Tribes"

(H.P. 206) (L.D. 260)

Sponsored by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator RAYE of Washington and Representatives: ADAMS of Portland, CLEARY of Houlton, MITCHELL of Penobscot Nation, PERRY of Calais.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Establish the Permanent Commission on the Status of Women"

(H.P. 190) (L.D. 236)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDOIN of Biddeford, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, CAMPBELL of Newfield, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, DILL of Cape Elizabeth, FITTS of Pittsfield, FLETCHER of Winslow, GIFFORD of Lincoln, GILES of Belfast, HAYES of Buckfield, HILL of York, HINCK of Portland, HUNT of Buxton, JONES of Mount Vernon, LAJOIE of Lewiston, LEWIN of Eliot, MARTIN of Orono, MAZUREK of Rockland, PETERSON of Rumford, PIEH of Bremen, Speaker PINGREE of North Haven, PRESCOTT of Topsham, SMITH of Monmouth, STRANG BURGESS of Cumberland, THERIAULT of Madawaska, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WATSON of Bath, WELSH of Rockport, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BOWMAN of York, BRYANT of Oxford, GOODALL of Sagadahoc, HOBBS of York, JACKSON of Aroostook, SIMPSON of Androscoggin.

TAXATION

Bill "An Act To Impose an Excise Tax on the Extraction of Water for Bottling"

(H.P. 191) (L.D. 237)

Sponsored by Representative HINCK of Portland.

Cosponsored by Representative WATSON of Bath and Representatives: BERRY of Bowdoinham, PERCY of Phippsburg, PERRY of Calais, Senators: BLISS of Cumberland, BRYANT of Oxford, MARRACHÉ of Kennebec.

TRANSPORTATION

Bill "An Act To Increase Safety in Construction Zones"

(H.P. 207) (L.D. 261)

Sponsored by Representative ROTUNDO of Lewiston.

Resolve, Directing the Department of Transportation To Install a Flashing Light in Charleston

(H.P. 208) (L.D. 262)

Sponsored by Representative THOMAS of Ripley.

Cosponsored by Senator PLOWMAN of Penobscot and Representatives: BROWNE of Vassalboro, CEBRA of Naples, DAVIS of Sangerville, DUCHESNE of Hudson, GREELEY of Levant, RICHARDSON of Carmel, TARDY of Newport, Senator: SMITH of Piscataquis.

Bill "An Act To Provide Placards to Drivers Who for Medical Reasons Are Not Required To Wear Seat Belts"

(H.P. 209) (L.D. 263)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BRIGGS of Mexico, DRISCOLL of Westbrook, FINCH of Fairfield, HANLEY of Gardiner, SAVIELLO of Wilton, SHAW of Standish, WHEELER of Kittery, Senator: SHERMAN of Aroostook.

UTILITIES AND ENERGY

Bill "An Act Regarding Consumer-owned Water Utilities and Contracts for Water Extraction and for the Sale of Water"

(H.P. 192) (L.D. 238)

Sponsored by Representative LEGG of Kennebunk.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, CASAVANT of Biddeford, CHASE of Wells, CONNOR of Kennebunk, DRISCOLL of Westbrook, EATON of Sullivan, FLAHERTY of Scarborough, HOGAN of Old Orchard Beach, PIOTTI of Unity, ROTUNDO of Lewiston, TREAT of Hallowell, WATSON of Bath, WHEELER of Kittery, WRIGHT of Berwick, Senators: BARTLETT of Cumberland, BOWMAN of York.

Bill "An Act To Amend the Surcharge for the E-9-1-1 System" (EMERGENCY)

(H.P. 210) (L.D. 264)

Sponsored by Representative CLEARY of Houlton.

Cosponsored by Representative SCHATZ of Blue Hill and Representatives: EATON of Sullivan, SUTHERLAND of Chapman.

Bill "An Act To Amend the Charter of the Limestone Water and Sewer District"

(H.P. 218) (L.D. 275)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Representative: AYOTTE of Caswell, Senator: JACKSON of Aroostook.

**Pursuant to Statute
Department of Education**

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 211) (L.D. 268)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 40) (L.D. 45) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-2)**

On motion of Representative CAIN of Orono, was **REMOVED** from the First Day Consent Calendar.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, this is LD 45, the very first budget bill we have before

us this session. I am very proud, in case you didn't know already, that we got an unanimous report out of our committee on Friday. I got a call Friday afternoon on my way home. The person on the other end of the phone said, "Well, it must not have been that hard if you closed the budget at 4 o'clock on a Friday during daylight hours. There must not have been many tough negotiations." Well, on the contrary, Madam Speaker. As you know and I know, and the members of the Appropriations and Financial Affairs Committee and leadership on both sides of the aisle know, there was quite a bit of negotiation and there was quite a bit of hard work that went into this budget document.

There will be plenty of times—later today, tomorrow, and Thursday—to talk about all of the thank yous. I'll definitely want to thank the other members of the Appropriations and Financial Affairs Committee, in particular, the Representative from Waterford for his work. There will be plenty of time to thank, again and again, the policy committees for their work. Because of the work they did, our work was made easier. There will be plenty of time to thank leadership, on both sides of the aisle, so I won't do that too much now.

What I will ask is that you allow us today to put this budget in a position to be amended. We have to get it through First Reading, we are going to put it in a posture to accept Committee Amendment "A", and then we are going to pause and then we are going to table the item. I am explaining this to you because, for many of you, you might think, Oh my gosh, are we about to take our first budget vote? No you are not. We just want you to help us put it in the position where it can be amended so that with the amendment deadline being today at 1 o'clock, then we will be able to take it up again knowing everything that is before us, and we can take it all in one comprehensive look.

I will say thank you again. This was not easy, and we will have time to discuss, later today and this week, all of the intricate details of this supplemental budget, but I am very proud of the work we did. I believe we laid the groundwork effectively and responsibly for the work ahead of us, the mountain of work ahead of us in the biennial budget. Thank you, Madam Speaker.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-2)** was **READ** by the Clerk.

On motion of the Representative PIOTTI of Unity, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-2)** and later today assigned.

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 Wednesday, January 21, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Joint Order Authorizing the Joint Standing Committee on Transportation To Report out a Bill Concerning the Sears Island Planning Initiative

(S.P. 21)

- In Senate, **READ** and **PASSED**.

TABLED - January 7, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - PASSAGE.

Subsequently, on motion of Representative MAZUREK of Rockland, the Joint Order was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water"

(H.P. 147) (L.D. 182)

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested)

TABLED - January 21, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** sent for concurrence.

Bill "An Act To Ensure the Integrity of Harness Horse Racing Track Conditions"

(S.P. 56) (L.D. 170)

- In Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

TABLED - January 21, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, on motion of Representative TRINWARD of Waterville, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Ensure That the Money Received from the Surcharge on Registration of Pet Food Is Used for the Sterilization of Animals" (EMERGENCY)

(S.P. 73) (L.D. 223)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Improve State Parks"

(S.P. 72) (L.D. 222)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits"

(S.P. 90) (L.D. 267)

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 Raise the Fee a Bail Commissioner May Charge"

(S.P. 77) (L.D. 227)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Calculate the School Year by Number of Hours" (EMERGENCY)

(S.P. 86) (L.D. 245)

Bill "An Act To Preserve Statewide Public Broadcasting"

(S.P. 89) (L.D. 266)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Prevent Teenage Substance Abuse and Suicide"

(S.P. 78) (L.D. 228)

Bill "An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund" (EMERGENCY)

(S.P. 80) (L.D. 239)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Protection of Funding of Certain Programs Administered by the Department of Inland Fisheries and Wildlife

(S.P. 75) (L.D. 225)

Bill "An Act To Create an Additional Hunting Season for Bear"

(S.P. 82) (L.D. 241)

Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY)

(S.P. 85) (L.D. 244)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Require Maine Clean Election Act Candidates To Use Maine Vendors"

(S.P. 69) (L.D. 219)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act To Require a Vacancy in the Office of United States Senator To Be Filled by Election"

(S.P. 76) (L.D. 226)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion of Representative BEAUDETTE of Biddeford, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act Regarding Violations of Lobster Conservation Laws"

(S.P. 87) (L.D. 246)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Promote Clean Waters in the State"

(S.P. 79) (L.D. 229)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act To Repeal the Informed Growth Act"

(S.P. 83) (L.D. 242)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Exempt Certain Senior Residents from the Income Tax"

(S.P. 74) (L.D. 224)

Bill "An Act To Provide a Sales Tax Exemption to Certain Organizations That Provide Assistance to Members of the Military" (EMERGENCY)

(S.P. 88) (L.D. 265)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act To Modify the Laws Regarding Seat Belts"

(S.P. 71) (L.D. 221)

Bill "An Act To Extend the Exception to Axle Fines during the Midwinter Season" (EMERGENCY)

(S.P. 81) (L.D. 240)

Resolve, To Direct the Department of Transportation To Establish a Memorial Park Honoring Veterans in Topsham

(S.P. 84) (L.D. 243)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Increase the Availability of Solar and Wind Power"

(S.P. 70) (L.D. 220)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-2) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill " An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009" (EMERGENCY)

(H.P. 40) (L.D. 45)

Which was **TABLED** by Representative PIOTTI of Unity pending **ADOPTION** of **Committee Amendment "A" (H-2)**.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, fellow Members of the House. There has been a tremendous amount of work that brings us to this point today, and I don't want to belabor this point but there was a moment in the process, and it is really not new business, but I wanted to kind of share with you something that was extremely, extremely important that sort of got left, if you will, on the cutting room floor on Appropriations, back last April. That was a project or a bill that I worked on for the two sessions to do with the funding for the Comprehensive Cancer Program for the State of Maine.

I believe, as many of you have heard and those of you who are new you are going to hear a lot more about this, cancer is the number one killer in the State of Maine. It is not heart disease, it is cancer. We are one of only a few states in this country that cancer surpasses heart disease, and it is something that needs our attention. Cancer is killing off our Maine citizens. We can do all of the wonderful, wonderful programs that we all have and want to do and that are going to be funded in this budget and in our supplemental that we are doing this evening, but if we don't have the citizenry alive to enjoy all the wonderful things that we are out there doing, what sense is it?

Right now, the State of Maine, as far as independent funding for the detection and education of our citizenry about the importance and early detection of cancer, receives the grand funding in our current budget and in this supplemental budget of zero. Zero dollars are expended, general funds, on the early detection and education of the Maine citizens about cancer. That, my friends and my fellow House members, needs to stop.

I had a meeting this fall with the Cancer Consortium folks, which represents all types of cancers, and I promised them that I would not let them down again, because I was left standing at the microphone in Appropriations on the last day of session, where we had been whittled down to asking for some money from the Fund for Healthy Maine. After many discussions, it was determined that there was no money in the Fund for Healthy Maine. As we have gone through the supplemental process over the last days and several weeks here, in fact there is money in the Fund for Healthy Maine. There is about \$1.3. You have on your desks before you an amendment to the supplemental budget asking for that money.

Now out of respect for this process, which many of you have been directly involved with and have worked very hard and there are many wonderful, wonderful programs and important services to the citizens of Maine that are funded and in fact have been cut in this supplemental budget; therefore, out of respect for those programs that have been cut and for the hard work of this body, I am not going to be asking that this amendment be brought forward. However, I thought it was an important opportunity. I am sort of like the bride: I have been to the altar and I have been jilted; however, I will be back and you will hear more about this very, very important cause in the coming months as we work on a biennium budget. I appreciate your attention in understanding and appreciation of this very important matter that affects just about everybody here, and if it doesn't today, I hope that it never does but it is a very small state out here. Thank you very much. Thank you, Madam Speaker, for this opportunity.

Subsequently, **Committee Amendment "A" (H-2)** 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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-2)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I wanted to give everybody a heads up on the new unemployment numbers that have been released today. In December, unemployment rate rose to 7 percent, up from 6.3 percent in November. We have every indication that this will be a much harder recession than average in Maine.

At twelve months, the current downturn has eclipsed the twelve month average of the nine national recessions since 1950. The 2.1 percentage point rise in unemployment rate, through twelve months, was larger than in three of the last four recessions. The number of unemployed people increased 44 percent to 50,000. The four sectors in retail trade was down 4,100 jobs, construction 3,200 jobs, accommodations and food service 2,100 jobs, and manufacturing of 1,200 jobs accounted for the 91 percent of the net job loss.

One piece of good news is that our high unemployment rate will likely trigger 13 additional weeks of unemployment benefits through February. The Unemployment Trust Fund also has plenty of reserves to pay for benefits, thanks upon the legislation we passed a number of years ago. Thank you, Madam Speaker.

The following item was taken up out of order by unanimous consent:

ENACTORS
Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009

(H.P. 40) (L.D. 45)
(C. "A" H-2)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to make four very brief points in support of the decision we are about to make.

Very quickly and first, I would like to echo the words of our good House Chair, the Representative from Orono, Representative Cain, this morning in thanking the policy committees for your studiousness and thoughtfulness in making our job at Appropriations much more easier as we dealt with some very difficult issues. I would like to briefly expand that thank you to the hospital subcommittee that worked on our behalf on two very difficult chores, specifically, Representatives Nutting, Miller, and Carey for addressing a problem that we knew was going to be difficult, and they came out with a set of proposals which I think helped the process immensely.

Picking up on that point, I want to say that I feel, and our side of the aisle, I think, feels very good about the language we were able to come to agreement on with respect to the hospital issues, particularly that language that commits us to honoring our obligations of the hospital and addressing their cash flow problems by committing to addressing two years of unpaid settlements that date back to Fiscal Year '05. This is extremely important to our folks back home who are running on very difficult cash flow margins, and I think that you can go back home and talk with your folks who run your hospitals and show them that we made a good faith effort to honor our debts and to be so in a current fashion. It is a very good use of one time money, I believe as well, and we will have this discussion many times before we finish our work.

Thirdly, I just want to say that this may be and hopefully will be our last FY '09 supplemental before we tackle the more difficult job of the biennial budget. It is hopeful, I think, for all of us to assume that maybe our forecasting has been on the mark, but I don't think any of us can be assured of that. I note in the publication from NCSL that is before us, that was in our mailboxes this morning, the very lead paragraph under the article of "Grim Forecasts" saying that the fiscal crisis facing states is the worst in 50 years, and I think that is something to think about as we work our way into the winter and spring.

Finally, I would just like to say that that biennial budget will be the appropriate place for all of us to roll up our sleeves in a more deliberative fashion, wrestle with the priorities that we could and should be setting, as we try to work our way through this economic downturn in a much more thoughtful way that we have been able to do in the last three weeks. We've really not had to, or had the opportunity and time to set real priorities and to think about what we can do in a sustainable fashion going into the future. The biennial budget will certainly afford us that opportunity, I hope the same bipartisan spirit, the same roll up the sleeves attitude in the policy committees prevails, and that we can get to work on that early in February. I encourage your support of what, I think, is the best product we would have come up with in the timeframe that we've had. I urge your support of Enactment.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is hard to believe that one month ago today, on December 27th, most of us were still recovering from big holiday meals and making plans to celebrate New Years Eve with family and friends. Our committee

assignments were days old, and our new members, more than 40 in this body alone, were still wondering what a revisor does, where the bathrooms are, and what in the world cloture is.

In this past month alone, so much has changed: Gas prices dropped and are now rising; the stock market continues to go up and down, up and down, and up and down and down; some banks are now zombie backs, while others still fight to survive and lend responsibly; we have a new President, who faces both great promise and problems on all sides; and in the past two weeks alone, we have had daily updates on federal stimulus funds that will come, but we don't know when and we don't know for what and we don't know exactly how much, and somehow in the middle of that, we were supposed to pass a budget. And we did, or we are about to anyway. When I say we, I mean we, all of us.

I would like to thank the members of the Appropriations Committee, who showed up ready to work hard, pay attention to details and get the job done. We have quite a team down in Room 228 and each member brings their own perspective and priorities to our negotiations, and their own experience to our task of understanding complex problems. I would especially like to thank my Senate Co-Chair, who displayed a generous willingness to trust me and all of the members of our committee and work as a team from day one. I also need to thank my colleague, the Representative from Waterford, whose experience and knowledge extend well beyond my years, but whose patience and wisdom he openly shares with our committee, and especially with me, on a daily basis.

Our team has great support also in the Office of Fiscal and Program Review, who worked as diligently and as quickly as we did, to dot the i's and cross the t's and to get a balanced budget. And of course, I would like to thank the Revisor's Office, because they worked very hard to draft that bill and move it up here as quickly as possible so we can have this discussion today.

This budget negotiation was not easy, but in many ways it was a warm-up act for the biennial budget just around the corner. The leadership on all corners and the presiding officers are to be commended for the respectful, direct and honest negotiation that equally considered all sides, and came to mutual agreements on very tough issues. This work sets the stage for what is next, and I can proudly say that we have definitely gotten off on the right foot this time around.

Three major issues dominated our discussions over the past several weeks: hospitals, corrections, and K-12 funding. But the pain in this budget goes well beyond the hot topics that received the most press or generate the most e-mails. But for now, this supplemental budget responsibly lays the groundwork for our work ahead, and I am proud of how we did our work, and I am proud of the final product. I pledge to all of you now that as we move forward to the biennial budget, there will be more time, there will be more opportunity at all stages to put more issues on the table and tackle the many, tough policy and fiscal choices that we have ahead of us. So now, let's move on to what is next. Thank you, Madam Speaker, and I request a roll call.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Harrison, Representative Sykes.

Representative SYKES: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This certainly has been an interesting and difficult budget balancing act. We have had a search to find efficiencies, we have saved money, we have eliminated some jobs, we have worked together

and I am proud of that, we have looked under every stone. However, as was just mentioned, the supplemental budget before us today is a junior varsity game. The main event, the varsity, is yet to come with the biennial budget.

If we had a look under every stone to find money, we need to begin looking at ourselves. Including this morning's session, we have had five sessions of the Legislature. The average time is 46 minutes. It costs us \$13,160 a day to bring us to work here. If you multiply that times five, so far we have spent \$65, 800 on an average of 46 minutes per day.

The supplement budget which we are about to vote on has many issues, and one of those is a cut to the National Alliance of Mental Illness of \$10,000. Specifically, that cut is for crisis intervention training for police officers to help them deal with persons suffering with mental health issues. I wonder in my own mind and maybe you will also, whether or not, if we didn't come one day and save \$13,160, that we could have spent that in a better way, maybe to save that crisis intervention training. I, quite frankly, am embarrassed that we come up for 44, 45 or 46 minutes, much of which is ceremonial time, for that amount of money and spend that of the people's money. We are going to pass the supplemental budget, we are going to go on to the biennial budget and we are going to look for more efficiencies, it is going to be even more difficult. I hope as we proceed in the future that we take a good hard look at how we invest our time here in Augusta. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 2

YEA - Beaudoin, Beaulieu, Beck, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Hanley, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Priest, Rankin, Richardson D, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Adams, Austin, Ayotte, Cebra, Chase, Cotta, Fitts, Fletcher, Gifford, Hamper, Harlow, Joy, Langley, Lewin, Lovejoy, McFadden, McKane, Prescott, Richardson W, Thibodeau, Thomas, Weaver.

ABSENT - Beaudette, Blanchard, Greeley, McLeod, Percy, Pratt, Sirois, Smith.

Yes, 120; No, 22; Absent, 8; Vacant, 1; Excused, 0.

120 having voted in the affirmative and 22 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

On motion of Representative MILLETT of Waterford, the House adjourned at 5:22 p.m., until 10:00 a.m., Thursday, January 29, 2009.