

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 3, 2008 – May 27, 2009

Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
22nd Legislative Day
Thursday, March 26, 2009

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

Prayer by The Reverend Theodore Kanellakis, Camden (retired).

National Anthem by Brewer High School Jazz Ensemble.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Increase Efficiency through Regionalization" (S.P. 398) (L.D. 1064)

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.

COMMUNICATIONS

The Following Communication: (H.C. 130)

STATE OF MAINE

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

March 20, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 68 An Act Regarding the Composition of the Board of Pesticides Control

L.D. 354 An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 131)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 20, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 366 An Act To Protect Confidential Consumer Records in Self-service Storage Facilities

L.D. 622 An Act To Promote the Accessibility and Use of Reusable Bags

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 132)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 20, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

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. 199 An Act To Facilitate Wind Power Siting

L.D. 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases

L.D. 646 An Act To Improve the Water Quality of Maine's Rivers

L.D. 746 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Seth A. Goodall

Senate Chair

S/Rep. Robert S. Duchesne

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 133)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 23, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

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 bill out "Ought Not to Pass":
L.D. 207 An Act Concerning Regulation of Borrow Pit Excavations

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Seth A. Goodall
Senate Chair
S/Rep. Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 134)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 18, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 55 An Act To Prohibit the Commercial Sale of Water by a Water District

L.D. 651 An Act To Amend the Wind Energy Rebate Program Eligibility Requirements

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 135)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 20, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 43 An Act To Promote Consumer Fairness in Alternative Energy

L.D. 596 An Act To Allow Electricity Customers Who Operate Generating Facilities To Be Paid in Cash for Excess Net Energy Produced

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 137)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 678 An Act To Provide Middle School Students with Access to Innovative Science Education

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Justin L. Alford
Senate Chair
S/Rep. Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 138)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 24, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 405 An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program

L.D. 563 An Act To Pay a State Share into the HealthInfoNet System

L.D. 809 An Act To Preserve the Viability of Services to Maine's Citizens with Mental Retardation (EMERGENCY)

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Joseph C. Brannigan
Senate Chair
S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 139)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LABOR**

March 24, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 578 An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions

L.D. 579 An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Troy D. Jackson

Senate Chair

S/Rep. John L. Tuttle, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 140)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 23, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 328 An Act To Require Economic Research Organizations To Report Financial Matters to the Commission on Governmental Ethics and Election Practices

L.D. 530 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Number of Signatures Required and Prohibit Payment for Signatures in the Citizen's Initiative Process

L.D. 547 An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness

L.D. 584 An Act To Amend the Maine Clean Election Act To Equalize the Qualifying Period for All Candidates and To Increase the Number of Required Contributions for Candidates to the Legislature

L.D. 780 An Act To Increase the Amount and Number of Qualifying Contributions under the Maine Clean Election Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. Pamela Jabar Trinward

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 141)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 24, 2009

Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 665 An Act To Enhance Safety on Maine's Bridges

L.D. 706 An Act To Impose a Maximum Speed Limit of 45 Miles Per Hour on Roads on Which a School Bus Stop Is Located

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Edward J. Mazurek

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 136)

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 2009

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State Legislature
State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Pieh of Bremen, to report the following bill Leave to Withdraw:

L.D. 569 An Act Concerning the Maine School of Science and Mathematics

Sincerely,

S/Sen. Justin L. Alfond

Senate Chair

S/Rep. Patricia B. Sutherland

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 142)

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

March 24, 2009

Honorable Elizabeth H. Mitchell, Senate President
Honorable Hannah M. Pingree, Speaker of the House
124th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree,
Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Sirois of Turner, to report the following bill Leave to Withdraw:

L.D. 1048 An Act To Increase the Amount of the Deposit on Returnable Beverage Containers

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 155)

**MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 25, 2009

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Labor, the nomination of Mitchell P. Sammons of Belgrade for appointment to the Workers' Compensation Board.

Upon the recommendation of the Committee on Labor, the nomination of James A. Mingo of Holden for reappointment to the Workers' Compensation Board.

Upon the recommendation of the Committee on Labor, the nomination of Anthony Monfiletto of Portland for reappointment to the Workers' Compensation Board.

Upon the recommendation of the Committee on Labor, the nomination of Ginette M. Rivard of Caribou for appointment to the Workers' Compensation Board.

Upon the recommendation of the Committee on Labor, the nomination of Bruce D. Roy of Jay for appointment to the Workers' Compensation Board.

Upon the recommendation of the Committee on Transportation, the nomination of Diane Doyle of Saco for appointment to the Maine Turnpike Authority.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills and Resolves 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

Bill "An Act To Establish a Farmer's Rights in an Investigation of Intellectual Property Theft of Genetically Engineered Material" (H.P. 827) (L.D. 1202)

Sponsored by Representative PRATT of Eddington.

Cosponsored by Representatives: KENT of Woolwich, McCABE of Skowhegan, O'BRIEN of Lincolnville, PERCY of Phippsburg, SCHATZ of Blue Hill, SMITH of Monmouth.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Allow Pharmacists To Administer Certain Immunizations"

(H.P. 843) (L.D. 1223)

Sponsored by Representative HOGAN of Old Orchard Beach.

Cosponsored by Representatives: PERRY of Calais, PINKHAM of Lexington Township, Senator RECTOR of Knox, Senator RAYE of Washington and Representatives: BLANCHARD of Old Town, CAMPBELL of Newfield, CLEARY of Houlton, CONNOR of Kennebunk, MAZUREK of Rockland, STRANG BURGESS of Cumberland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act Regarding the Operation of County Jails and the State Board of Corrections"

(H.P. 844) (L.D. 1224)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, BLODGETT of Augusta, BURNS of Whiting, BUTTERFIELD of Bangor, HASKELL of Portland, MAGNAN of Stockton Springs, PLUMMER of Windham.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized" (EMERGENCY)

(H.P. 828) (L.D. 1203)

Sponsored by Representative SUTHERLAND of Chapman.

Cosponsored by Senator ALFOND of Cumberland and Representatives: FINCH of Fairfield, JOHNSON of Greenville, LOVEJOY of Portland, McFADDEN of Dennysville, NELSON of Falmouth.

Bill "An Act To Amend the School Funding Formula Regarding School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation" (EMERGENCY)

(H.P. 845) (L.D. 1225)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representatives: CROCKETT of Bethel, DAVIS of Sangerville, EATON of Sullivan, MacDONALD of Boothbay, McFADDEN of Dennysville, SCHATZ of Blue Hill.

Bill "An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure" (EMERGENCY)

(H.P. 846) (L.D. 1226)

Sponsored by Representative CLARK of Millinocket.

Bill "An Act To Equalize the Regional Salary Cost Index under the School Funding Formula"

(H.P. 847) (L.D. 1227)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representatives: CLARK of Millinocket, CROCKETT of Bethel, EATON of Sullivan, KNIGHT of Livermore Falls, MacDONALD of Boothbay, McFADDEN of Dennysville, SCHATZ of Blue Hill, THOMAS of Ripley.

HEALTH AND HUMAN SERVICES

Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (EMERGENCY)

(H.P. 848) (L.D. 1228)

Sponsored by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Senator RAYE of Washington and Representatives: BURNS of Whiting, JOY of Crystal, McFADDEN of Dennysville, McLEOD of Lee, PERRY of Calais, Speaker PINGREE of North Haven, TILTON of Harrington.

Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services

(H.P. 849) (L.D. 1229)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: PETERSON of Rumford, Speaker PINGREE of North Haven, STRANG BURGESS of Cumberland, WEBSTER of Freeport, Senator: MARRACHÉ of Kennebec.

Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

(H.P. 850) (L.D. 1230)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: PETERSON of Rumford, STUCKEY of Portland, WEBSTER of Freeport, Senator: MARRACHÉ of Kennebec.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Increase Youth Boating Safety"

(H.P. 829) (L.D. 1204)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator PERRY of Penobscot and Representatives: EBERLE of South Portland, GILES of Belfast, PERCY of Phippsburg, PRATT of Eddington, WEBSTER of Freeport, Senators: DAMON of Hancock, SULLIVAN of York.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 830) (L.D. 1205)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator BOWMAN of York and Representatives: ADAMS of Portland, BEAUDOIN of Biddeford, GOODE of Bangor, Speaker PINGREE of North Haven, PRIEST of Brunswick, RUSSELL of Portland, TRINWARD of Waterville, Senator: MARRACHÉ of Kennebec.

Bill "An Act To Fund the Dirigo Health Program through a High-risk Pool"

(H.P. 831) (L.D. 1206)

Sponsored by Representative RICHARDSON of Warren.

Cosponsored by Representatives: FOSSEL of Alna, WEAVER of York, Senator: McCORMICK of Kennebec.

JUDICIARY

Bill "An Act To Base the Value of Eminent Domain Takings on Going Concern Value"

(H.P. 832) (L.D. 1207)

Sponsored by Representative GILES of Belfast.

Bill "An Act To Encourage Transparency in the Oversight of Interscholastic Activities"

(H.P. 833) (L.D. 1208)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator: MARRACHÉ of Kennebec.

Bill "An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment"

(H.P. 834) (L.D. 1209)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Representatives: BURNS of Whiting, CROCKETT of Bethel, Senator: TRAHAN of Lincoln.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Pertaining to Volunteer Lobbyists for Nonprofit Organizations"

(H.P. 835) (L.D. 1210)

Sponsored by Representative CAREY of Lewiston.

MARINE RESOURCES

Bill "An Act To Amend the Marine Resources Suspension Laws"

(H.P. 836) (L.D. 1211)

Sponsored by Representative WEAVER of York.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities"

(H.P. 851) (L.D. 1231)

Sponsored by Speaker PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock and Representatives: EATON of Sullivan, FLEMINGS of Bar Harbor, KRUGER of Thomaston, McKANE of Newcastle, PERCY of Phippsburg, STRANG BURGESS of Cumberland, STUCKEY of Portland, Senator: RECTOR of Knox.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Clarify the Role of Public Comment in the Agency Decision-making Process"

(H.P. 837) (L.D. 1212)

Sponsored by Representative PRATT of Eddington.

Cosponsored by Representatives: BERRY of Bowdoinham, CRAY of Palmyra, GIFFORD of Lincoln, JOY of Crystal, McCABE of Skowhegan, PIOTTI of Unity.

Resolve, Establishing a Committee To Study the Legislative Confirmation Process

(H.P. 852) (L.D. 1232)

Sponsored by Representative HASKELL of Portland.

TAXATION

Bill "An Act To Amend the Homestead Exemption for Certain Veterans To Include Certain Military Personnel Stationed at Guantanamo Bay"

(H.P. 838) (L.D. 1213)

Sponsored by Representative GILES of Belfast.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AUSTIN of Gray, COHEN of Portland, MacDONALD of Boothbay, STRANG BURGESS of Cumberland.

Bill "An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions"

(H.P. 839) (L.D. 1214)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Representatives: CROCKETT of Augusta, PILON of Saco, VALENTINO of Saco.

Bill "An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit" (EMERGENCY)

(H.P. 840) (L.D. 1215)

Sponsored by Representative WATSON of Bath.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Provide Property Tax Relief to Senior Citizens"

(H.P. 853) (L.D. 1233)

Sponsored by Representative WEAVER of York.

Cosponsored by Senator NASS of York and Representatives: EDGEComb of Caribou, HAMPER of Oxford, JOY of Crystal, LEWIN of Eliot, MORRISON of South Portland, RICHARDSON of Warren, WHEELER of Kittery, Senator: McCORMICK of Kennebec.

TRANSPORTATION

Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"

(H.P. 854) (L.D. 1234)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Representatives: AUSTIN of Gray, FOSSEL of Alna, LEWIN of Eliot, McKANE of Newcastle, RICHARDSON of Warren, SARTY of Denmark, SAVIELLO of Wilton.

MAINE'S ENERGY FUTURE

Bill "An Act Regarding Energy Independence" (EMERGENCY)

(H.P. 826) (L.D. 1201)

Sponsored by Representative MARTIN of Eagle Lake. (GOVERNOR'S BILL)

Cosponsored by President MITCHELL of Kennebec and Representatives: BERRY of Bowdoinham, FITTS of Pittsfield, FLETCHER of Winslow, HINCK of Portland, Senators: BARTLETT of Cumberland, HOBBS of York, SMITH of Piscataquis.

Pursuant to Resolve Maine State Housing Authority

Representative MARTIN for the **Maine State Housing Authority** pursuant to Resolve 2009, chapter 1, section 2, subsection 2 asks leave to report that the accompanying Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds (EMERGENCY)

(H.P. 856) (L.D. 1236)

Be **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute Department of Audit

Representative WATSON for the **Department of Audit** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2009-10" (EMERGENCY)

(H.P. 855) (L.D. 1235)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Speaker PINGREE of North Haven, the following Joint Resolution: (H.P. 841) (Cosponsored by President MITCHELL of Kennebec and Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, PINKHAM of Lexington Township,

PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

JOINT RESOLUTION TO HONOR THE DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945, by means of concentration camps, extermination camps, ghettos, firing squads and starvation and using every arm of the Nazi bureaucracy; and

WHEREAS, although Jews were the primary victims, with 6,000,000 murdered, millions more people, including Romani people and Poles, as well as people with handicaps who did not measure up to Aryan perfection, were also targeted for destruction or decimation for racial, ethnic or national reasons; and

WHEREAS, many specific groups, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments whether at peace or at war; and

WHEREAS, the people of the State should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny so that such horrors are never repeated; and

WHEREAS, the people of the State should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress, the United States Holocaust Memorial Council is responsible to designate

the Days of Remembrance of the victims of the Holocaust, and this year's commemoration is April 19, 2009 to April 26, 2009, including the Day of Remembrance, known as Yom Hashoah, on April 21, 2009; and

WHEREAS, it is appropriate for the people of the State to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State.

READ.

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

Representative **COHEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am honored and humbled to have my name attached to this important resolve. We face the reality that the generation of those who survived the Holocaust is quickly disappearing, as is the generation of those brave American soldiers who liberated them from the horrors of the Nazi concentration camp system.

I have no doubt that when survivor and liberator met on that cold, gray day in April or May 1945, they both believed that one had experienced, and one had witnessed the worst one human could inflict upon another and still be called a human being. I believe that both survivor and liberator thought that such an event as the Holocaust could never be duplicated, that with the evil of the Nazi wars against the Jews and against humanity now defeated, a new era of human understanding and dignity might begin in the ashes of a discredited civilization.

How wrong they were to believe in such an optimism. What we have seen since 1945, since we pledged never again, since we outlawed genocide, the destruction of a racial, political or religious group, is more of the same. In Rwanda, Cambodia, Bosnia, Darfur, and a dozen other places of indescribable killing, the willing executioners have stepped forward and killed and killed again. Don't the survivors and the liberators deserve better? Our nation and our State believe they do. That is why we have placed a national museum on the Holocaust in the heart of America's sacred space in our nation's capitol. That is why we have placed a center on the Holocaust and genocide on the campus of the University of Maine here in Augusta, in the sacred space of our State's capitol. And that is why the University of Maine at Augusta has just approved a new minor in Holocaust, Genocide and human rights studies that will begin in the fall.

In these museums, and in many more across our nation, Americans will learn what both victim and liberator understood on the fateful day of their meeting: that we must defeat the evil of genocide before it devours us. That only by being vigilant in our defense of liberty and human rights for all can we indeed dream of a world free from future Holocausts and genocides.

On Yom Hashoah, the Holocaust day of remembrance, we will stop and remember those who died, those who survived and those who freed them from the indescribable horrors. But on the very next day, we will have to do more. Our survivors and our liberators deserve no less. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to briefly comment on the importance of this day.

Why do we remember? We remember so that this should never happen again, and yet it does. Why do we try to not let this happen again? Because we are humans and we must be human. The conditioning that we create for each other, as human beings in our relationships, has a lasting impact, generation after generation.

As one survivor of the Holocaust wrote, "We were slowly conditioned into the role of victim. We were the ones that were hunted. We looked it and we acted it. We didn't even need that yellow star on our left chest; the fear in our eyes gave us away." We were slowly conditioned, and we as an oppressor become slowly conditioned to accept, or we who stand aside when wrong is done are slowly conditioned to accept, but we must turn away from that. So in honor of the concept of diversity, prejudice, and issues of human right, I ask us together to pledge to never again forget the importance of being human. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

On motion of Representative PERRY of Calais, the following Joint Order: (H.P. 842)

ORDERED, the Senate concurring, that the Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation is established as follows.

1. Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation established. The Commission to Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 11 members, appointed as follows:

A. Five members appointed by the President of the Senate as follows:

- (1) Two Senators;
- (2) One member who has expertise in financial matters;
- (3) One member who is a teacher from a rural school district; and
- (4) One member who is an administrator from a large school district; and

B. Six members appointed by the Speaker of the House as follows:

- (1) Four members of the House of Representatives, one of whom was a teacher from a large school district within the past 4 years;
- (2) One member from the Department of Education; and
- (3) One member who is an administrator from a rural school district.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall study how the new system of school administrative consolidation is creating extra

administrative burdens that can be alleviated with careful review in both rural and large school districts. The study must focus on reducing extraneous, unnecessary and duplicative regulations and paperwork and ascertain ways to alleviate any extra burdens in school administration.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 2, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 124th Legislature. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Education and Cultural Affairs may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 19)

ORDERED, that Representative Lawrence Sirois of Turner be excused February 10, 12, 17, 19, 24, 26 and March 3 and 5 for health reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Mount Desert Island High School Speech Team which won the State competition. The following are the team members: Taylor LaCasse, Maddy Johnson, Anna Rose Keefe, Stephen Palazola, Sean Keady and Zach Dewey. Their coach, Marjory Russakoff, was a finalist for Coach of the Year. The team is only in its second year of existence and it competed against some teams that were nearly 5 times its size. We extend our congratulations to all of the members and the coach of the Mount Desert Island High School Speech Team;

(HLS 156)

Presented by Representative FLEMINGS of Bar Harbor. Cosponsored by Senator DAMON of Hancock, Speaker PINGREE of North Haven.

On **OBJECTION** of Representative FLEMINGS of Bar Harbor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative **FLEMINGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am honored to speak to you today about the Mount Desert Island High School Speech Team, six students and their coach, who have been able to join us today at the State House. Early this year, these six students won the State Speech Team Championship. Not only did they win this championship with a small team, only six members, they also won this championship in only their second year of existence.

Now I feel a little hesitant about giving any sort of speech in front of these folks, because I am sure they could do a better job

than I, but I am very happy to be able to recognize the important accomplishments of this team, and by extension, the great work of students across the state who have worked so hard and who have dedicated time and effort to excel in these areas. These are among the future leaders of our state and country, and I don't have to tell anyone here how important and powerful oratory skills are to enhancing the effectiveness of the work we do. No matter what these students choose to do; having these skills will enable them to have stronger voices, to more effectively advocate for the things they care about, and to more powerfully impact our communities and the world. I want to thank these students, their coach, and others who have worked with them for all of your work, your efforts and your accomplishments. We need your voices, your passion, and your dedication and your great accomplishments to lead us into the future. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Nicholas Kingsbury, of Bethel, a member of Boy Scout Troop No. 565 and Crew 101, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. Nicholas, a junior at Telstar High School in Bethel, earned a total of 51 merit badges and served his troop and crew in a variety of leadership roles. For his community service project, he built a picnic shelter at Angevine Park to provide additional shade at the waterfront. We extend our congratulations to him on this achievement;

(HLS 160)

Presented by Representative CROCKETT of Bethel.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative CROCKETT of Bethel, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, distinguished members of this House and the rest of us. Gerald Ford, Bill Bradley, Lloyd Bentsen, Warren Rudman, William Westmoreland, Sam Walton, Ross Perot, Steven Spielberg, and today we have the opportunity to add Nick Kingsbury, of the great mountain village of Bethel, to this exclusive list of those who have accomplished the rank or attained the rank of Eagle Scout.

As many here are aware, there are a considerable number of requirements necessary to achieve this level of excellence, including the earning of a significant number of merit badges. The minimum is 21, Nick did 51. He also, one of these requirements is the completion of a service project. It seems kind of simple when we talk about it, but when you think about what a junior in high school did at the time he was a sophomore, it is a daunting task, and he did it well and it is appreciated by all those in our community. His commitment to placing service to others is a top priority in his life, it speaks well of both him and his mother Ellie, who joins him today.

As a junior at Telstar, I am also happy to announce that Nick is already contemplating a career as a military officer. He scored too high to go in the Air Force, but he is still considering it. But most importantly, today I would like to express the gratitude of my community for what Nick has done, but also the hope for what his future holds. Thank you and good luck, Nick.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Public Law

Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland"

(S.P. 424) (L.D. 1133)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Public Law 2007, chapter 649, section 11, subsection 6.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require an Independent Audit of State Government Every 4 Years"

(H.P. 159) (L.D. 194)

Signed:

Senators:

SIMPSON of Androscoggin

JACKSON of Aroostook

Representatives:

BOLAND of Sanford

WILLETTE of Presque Isle

BEAUDETTE of Biddeford

HARVELL of Farmington

CLARK of Easton

KAENRATH of South Portland

SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-13)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representative:

COTTA of China

READ.

On motion of Representative BEAUDETTE of Biddeford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Contract Out the State Single Audit"

(H.P. 235) (L.D. 295)

Signed:

Senators:

COURTNEY of York

SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
KAENRATH of South Portland
SCHATZ of Blue Hill
HARVELL of Farmington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-14)** on same Bill.

Signed:

Representatives:

CLARK of Easton
COTTA of China

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative MCKANE of Newcastle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The first thing I would like to say about this bill is that it has nothing to do with our current auditing department or anyone who works for that department. We are very lucky to have such a competent department and state auditor, and they are all doing a fine job. We have been fortunate in the past to have had so many competent state auditors and their department. That might not always be, because the system that we have does not require any accounting education and it is a biased system, and it allows our majority party, which ever one that may be—and we have been doing it this way for a long time—to simply pick whom we want for an auditor. Again, we have been lucky so far, we have been very fortunate to have so many competent state auditors, but one could envision in the future where this might not always be the case.

The perception of bias, whether it is justified or not, will continue to erode the public trust, resulting in a further skeptical and cynical electorate, and this would be especially so if and when the auditor happened to have been opinionated in any way in his or her former political life. One can only imagine 50 years from now, when our grandchildren sit in these seats, the possible scenarios of an unscrupulous controlling party appointing puppet constitutional officers. I would like to add what the Comptroller General of the United States said several years ago, to finding the independence needed for an auditor: "In all matters relating to the audit work, the audit organization and the individual auditor, whether government or public, should be free both in fact and appearance from personal, external, and organizational impairments to independence."

The second reason that I submitted this bill was money. Hiring out, contracting out a single state audit would save this state money. It is there on the fiscal note; it would save about \$ 1 million every budget. So I hope you will oppose the pending motion and give this some thought. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to speak in support of Representative McKane and his objection to the Majority Report, and let me just talk about this a little bit. Again, I am going to echo his very careful words of, this is not about criticism of an existing audit function within state government.

What this is about is independent verification, inspection, accountability, and the best possible way to get the right financial reporting for money that is not our money, this is taxpayer money, and we want to make sure we are reporting this as best as we can. This economy, in the last four or five months, has been literally turned on its ear. There are many traditional, historical financial practices that have just amazed everyone in terms of how inaccurate some things were done. I am not speaking of the State of Maine; I am speaking nationally and globally as well. But I think, as legislators, it puts more burden on to us to make sure our financial practices of the state are the best they can be. I am going to use as an example for you, and, again, we have fine people that work in our audit department under our state auditor, but think of this: Many of us work for businesses or we own a business, or we may be a member of a nonprofit board organization, and you have access, usually, to some level of financial information. But ask yourself this: Sitting on that board of directors for your nonprofit—your hospital, your girl scouts, whatever organization it is, or owning a business—would you ask the employees of that organization to provide your financial report, the only one you get annually, on your financial status and reporting? I don't think so. I think you would feel much more comfortable, there may be some level of internal work, but you would look to an external, independent, certified public accounting firm that has its own rules, regulations, reporting capabilities to make independent assessment of this.

So in bringing this bill forward—Representative McKane has had it here before for those of you new to the Legislature—I think given the times we are in, in 2009, it is particularly important that we give serious consideration to looking at an external auditing firm for doing our single state audit annually. In closing, I do speak against the Majority Ought Not to Pass Report, and I would ask others to follow my light.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Government auditing is a very unique aspect of the auditing process. We have heard some discussion about nonprofits and other types of businesses that would be audited and the wisdom of having an independent auditor, but a government audit is a very unique item. We are very fortunate here in the State of Maine that our Department of Audit has received a certificate of achievement for excellence in financial reporting from the Government and Financial Officers Association.

In contrast, when other states have hired outside independent auditors, the results have not always been quite so glowing. In Kansas and in Maryland, where independent auditors were hired, they were found to have made numerous costly errors, and in the case of Kansas, errors that cost the state tens of millions of dollars. So the aspect of looking at possibly being able to save some money by contracting out the outside audit is actually put at risk because of the uniqueness of doing a government audit. Nebraska and California, for example, have already brought the single audit back in house after having it done out of house for a period of time. So in accordance with the wise, old axiom: if it

ain't broke, don't fix it.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to echo Representative Beaudette's remarks, and also add that the auditor serves the Legislative Branch. If there were an auditor hired from outside, that has been brought up as an issue where they would probably be wanting to please so that they continue to have the job. The auditor, as we have now, needs to please the Legislature and be accountable directly to the Legislature. They have found millions of dollars in savings for us. I think we all know how complicated it is when we start looking at the budget and the different departments. These people are working on it constantly. If we had an independent auditor, they would have to go to them repeatedly for input as well, so they would still be working on it so, ultimately, it really is not a cost savings. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Chair, for allowing me to rise one more time on this. Just to address the comments that were made, I just want to make a brief comment that there are public accounting firms that do have expertise in state government as well as municipal auditing, and I am sure through an RFP process, you would be able to find that appropriate external expertise. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 4

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Tardy, Thibodeau, Thomas, Tilton, Van Wie, Weaver.

ABSENT - Cebra, Celli, Cushing, Flemings, Saviello, Sykes.

Yes, 94; No, 51; Absent, 6; Excused, 0.

94 having voted in the affirmative and 51 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-11)** on 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)

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
MAZUREK of Rockland

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

Signed:

Representatives:

BROWNE of Vassalboro
CEBRA of Naples
ROSEN of Bucksport

READ.

On motion of Representative MAZUREK of Rockland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-11)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 31, 2009.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Change the Name of Columbus Day to Heritage Day"

(H.P. 175) (L.D. 210)

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

WILLETTE of Presque Isle
BEAUDETTE of Biddeford
HARVELL of Farmington
CLARK of Easton
KAENRATH of South Portland
COTTA of China

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

Signed:

Representatives:

BOLAND of Sanford
SCHATZ of Blue Hill

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion. I was in the committee the day

that the other good Representative from Biddeford came forward and presented this bill with some very compelling testimony, and apropos this day of remembrance, I feel that that testimony should reach us in the House, and I am hoping that the good Representative will share that with us. I would hope others will oppose this motion and follow my light, and I would like the yeas and nays when the vote is taken, please.

Representative SCHATZ of Blue Hill **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is probably not the most important bill that we are going to be facing in this particular session, but I think it is a bill that makes people think. The genesis of the bill came from one of my classes, my American Studies class. I teach the class thematically, and the first unit that I teach deals with American character, the idea of what is it that makes Americans unique? We look at things like character traits, individuality; we look at the work ethic, we look at the American dream, a bunch of things of that nature and, as part of that, we looked at exploration. In doing so, they came across a number of readings about Columbus, and they were shocked by what they read because it was not the history that they read about or learned about, or perhaps that you learned about, in grammar school. They saw him linked to slave trading; they saw him linked to the murders of Native Americans; they saw his greed. That could be interpreted as historical revisionism, so we talked about that, and we talked about the myth of American history, the idea that George Washington never cut down a cherry tree; the idea that Plymouth Rock really wasn't the first place that the pilgrims landed; and we talked about Columbus. They still didn't like the idea about celebrating Columbus, especially when they realized that he never even came to America. I said, well we can change that, we could pass a bill but you have to participate in it, and you have to submit testimony, and they agreed. That was the genesis of the bill.

But then it started to change the more I thought about it and the more that they thought about it, and I realized that, you know, if we are looking at American character, what makes all of us special as compared to a European nation or Asian nations, there is not a holiday that really addresses that. We have the Fourth of July to celebrate the birth of the nation, and we have the Memorial Day that honors the dead, but what about the living, what about the people who are making America great today? Now if you look at Columbus Day, that has been embraced by Italian Americans, and that is a good thing, and to some degree it has been embraced by traditionalists, even though that is fairly recent, Franklin Roosevelt is the one who first came up with the idea. But still, there are so many people who think about America as something bigger than that, it is dynamic. It is not locked in 1492; it is ongoing.

So as I began to think about it a little bit more, I began to think about the immigrants who came here. Yesterday, we had Franco-American Day. Clearly, they shared something with this country and made it something and made America something. Today, we are looking at the Holocaust survivors. They brought something with them, too, when they came to America; and the Greeks and the Cambodians. Everybody came here and brought something, so when you start to look at American character, what I am saying is it is a dynamic process not locked in time. So the genesis of the bill changed, it became a chance for us to

embrace who we are and where we are going. Yes, Columbus has a place in that too. I don't want to just discard him because, as some members of this group said to me, well, you know you can't judge him by those standards. I don't want to do that. I want to have an opportunity to at least say, let's make the holiday more relevant to today, where we can look at ourselves and say we are a good people, especially in bad economic times, we are a good people because of where we came from and why we came here, and that is what the whole idea of Heritage Day is all about. I would ask you to think about that and the meaning of America and Americans. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 5

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Burns, Cain, Campbell, Carey, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett P, Curtis, Davis, Dostie, Duchesne, Edgecomb, Eves, Fitts, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Jones, Joy, Kaenrath, Knapp, Knight, Lajoie, Langley, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sanborn, Sarty, Shaw, Sirois, Smith, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Watson, Weaver, Webster, Welsh, Willette, Madam Speaker.

NAY - Adams, Beck, Berry, Boland, Bryant, Butterfield, Casavant, Dill, Driscoll, Eaton, Finch, Flaherty, Goode, Hogan, Hunt, Innes Walsh, Johnson, Kent, Kruger, Legg, Martin JL, McCabe, Morrison, O'Brien, Pratt, Russell, Schatz, Stevens, Stuckey, Van Wie, Wagner J, Wagner R, Wright.

ABSENT - Cebra, Celli, Crockett J, Cushing, Eberle, Percy, Saviello, Sykes, Wheeler.

Yes, 109; No, 33; Absent, 9; Excused, 0.

109 having voted in the affirmative and 33 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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. 77) (L.D. 227) Bill "An Act To Raise the Fee a Bail Commissioner May Charge" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 501) (L.D. 718) Bill "An Act Concerning Cremated Remains" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 28) (L.D. 33) Bill "An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-12)**

(H.P. 386) (L.D. 541) Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-10)**

(H.P. 392) (L.D. 554) Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-9)**

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

(H.P. 6) (L.D. 11) Resolve, To Encourage the Preservation of Dark Skies Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-15)**

On motion of Representative PIOTTI of Unity, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

**CONSENT CALENDAR
Second Day**

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

(S.P. 13) (L.D. 4) Bill "An Act To Remove the Age Restriction for Serving as a Corporator of a Mutual Financial Institution" (C. "A" S-5)

(H.P. 174) (L.D. 209) Bill "An Act To Abolish the Intergovernmental Advisory Commission"

(H.P. 258) (L.D. 322) Bill "An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events"

(H.P. 588) (L.D. 857) Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32" (EMERGENCY)

(H.P. 27) (L.D. 32) Bill "An Act To Clarify the Disposition of Fines from Maine's Soft-shelled Clam Laws" (C. "A" H-7)

(H.P. 70) (L.D. 80) Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services (EMERGENCY) (C. "A" H-8)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS
Resolves**

Resolve, To Name the Gorham Bypass

(H.P. 236) (L.D. 296)

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

On motion of Representative KNAPP of Gorham, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Knapp.

Representative **KNAPP**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This resolve is to name the Gorham Bypass. It will be named for Bernard Rines. He is a model citizen. He was born in Gorham,

graduated from the University of Maine with two degrees. He and his wife have raised three sons in Gorham. Bernard taught for awhile, and then he came back to Gorham and developed his own engineering business. He served on the Gorham School Committee and on the Gorham Town Council.

During these formative years, he saw the need for a bypass around the center of Gorham. He has worked tirelessly. He has written letters, he has made phone calls; he has rapped on town councilors' doors, as myself; and he worked probably for over 50 years to finally find his project to fruition, so I congratulate him for his hard work. Thank you.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Representative **WHEELER**: Thank you, Madam Speaker. LD 210, if I had been present, I would have voted yes, Ought Not to Pass.

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

Representative **PERCY**: Thank you, Madam Speaker. If I had been in the chamber for the vote on LD 210, I would have voted yea.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings, who wishes to address the House on the record.

Representative **FLEMINGS**: Thank you, Madam Speaker. Had I been present for the Roll Call on LD 295, I would have voted yea, green. Thank you.

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

SENATE PAPERS

The following Joint Order: (S.P. 448)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 31, 2009 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Remove the Local Requirement for Education Funding"

(S.P. 454) (L.D. 1221)

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 Strengthen the Kinship Preference in Child Welfare Residential Placement"

(S.P. 449) (L.D. 1216)

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

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

Bill "An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System"

(S.P. 452) (L.D. 1219)

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

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

Bill "An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms"

(S.P. 451) (L.D. 1218)

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 Provide an Income Tax Credit for Property Tax Relief"

(S.P. 450) (L.D. 1217)

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

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

The following Joint Resolution: (S.P. 447)

**JOINT RESOLUTION RECOGNIZING MARCH 26, 2009 AS
MEDICAL BILLERS DAY**

WHEREAS, medical billers provide a much-needed service to doctors and other health care providers and provide a vital segment of the health care industry; and

WHEREAS, increasingly, health care providers rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations, and health care providers consult with billing companies for advice regarding reimbursement matters, as well as overall business decision-making; and

WHEREAS, medical billers strive to provide a high level of ethical and lawful conduct throughout the entire health care industry; and

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure that claims are accurately prepared and free physicians and other practitioners to devote their energies to the care of their patients; and

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner and should be recognized for their efforts and their loyalty to the medical billing profession; and

WHEREAS, March 26, 2009 is being recognized as National Medical Billers Day across the nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that Thursday, March 26, 2009 is National Medical Billers Day.

Came from the Senate, **READ** and **ADOPTED**.

READ and **ADOPTED** in concurrence.

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

On motion of Representative HARVELL of Farmington, the House adjourned at 11:36 a.m., until 10:00 a.m., Tuesday, March 31, 2009 pursuant to the Joint Order (S.P. 448) and in honor and lasting tribute to Harry C. Briggs II, of Millinocket, F. Harvey Bowley, Jr., of Millinocket, Everett Vining, of Farmington and Alton R. Lane, of Millinocket.