

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
26th Legislative Day  
Wednesday, April 8, 2009

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

Prayer by Honorable Peter B. Johnson, Greenville.  
National Anthem by Greater Purpose, Wilton.  
Pledge of Allegiance.  
Doctor of the day, Russell DeJong, M.D., Belgrade.  
The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

The following Joint Order: (S.P. 533)

ORDERED, the House concurring, that notwithstanding H.P. 63, the Joint Select Committee on Maine's Energy Future shall submit its findings and recommendations along with any necessary implementing legislation to the 124th Legislature by May 15, 2009.

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

**READ.**

Pursuant to Joint Rule 102, this Joint Order required the affirmative vote of two-thirds of those present for passage. 122 having voted in the affirmative and 1 in the negative, 122 being more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

---

Bill "An Act To Create Incentives for the Consolidation of Municipal Services"

(S.P. 453) (L.D. 1220)

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.

---

**Non-Concurrent Matter**

Bill "An Act To Enact the Uniform Debt Management Services Act"

(H.P. 895) (L.D. 1289)

**REFERRED** to the Committee on **JUDICIARY** in the House on March 31, 2009.

Came from the Senate **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

---

**COMMUNICATIONS**

The Following Communication: (S.P. 527)

**STATE OF MAINE**  
**124TH MAINE LEGISLATURE**

April 2, 2009

Sen. Elizabeth M. Schneider  
Senate Chair, Joint Standing Committee on Business, Research and Economic Development  
Rep. Nancy E. Smith  
House Chair, Joint Standing Committee on Business, Research and Economic Development  
124th Legislature  
Augusta, ME 04333  
Dear Senator Schneider and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Elizabeth Bordowitz of Portland for appointment as Chief Executive Officer of the Finance Authority of Maine. Pursuant to Title 10 M.R.S.A. §972, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,  
S/Elizabeth H. Mitchell  
President of the Senate  
S/Hannah M. Pingree  
Speaker of the House

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

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

---

The Following Communication: (S.P. 535)

**STATE OF MAINE**  
**124TH MAINE LEGISLATURE**

April 6, 2009

Sen. Troy Dale Jackson  
Senate Chair, Joint Standing Committee on Labor  
Rep. John L. Tuttle  
House Chair, Joint Standing Committee on Labor  
124th Legislature  
Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Sophia Wilson of Dover-Foxcroft for appointment to the Maine Workers' Compensation Board.

Pursuant to Title 39-A M.R.S.A. §151 (1), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,  
S/Elizabeth H. Mitchell  
President of the Senate  
S/Hannah M. Pingree  
Speaker of the House

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

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

---

The Following Communication: (S.C. 204)

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

April 7, 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 Education and Cultural Affairs, the nomination of Kevin P. McCarthy of Falmouth for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Eleanor M. Baker of Cape

Elizabeth for appointment to the University of Maine System,  
Board of Trustees.

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

**READ and ORDERED PLACED ON FILE.**

---

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Expand Tax Incentives for Visual Media  
Productions"

(H.P. 1005) (L.D. 1449)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator RECTOR of Knox and Representatives:  
CORNELL du HOUX of Brunswick, CROCKETT of Augusta,  
FLEMINGS of Bar Harbor, LEGG of Kennebunk, PERCY of  
Phippsburg, PIOTTI of Unity, WEBSTER of Freeport.

Committee on **TAXATION** suggested and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered  
printed.

Sent for concurrence.

---

Bill "An Act To Establish the Renewable Energy Resources  
Program"

(H.P. 1006) (L.D. 1450)

Sponsored by Representative ADAMS of Portland.

Cosponsored by Senator BARTLETT of Cumberland and  
Representatives: BERRY of Bowdoinham, GOODE of Bangor,  
HINCK of Portland, MARTIN of Eagle Lake, PIEH of Bremen,  
Speaker PINGREE of North Haven, PIOTTI of Unity, WATSON of  
Bath.

Committee on **UTILITIES AND ENERGY** suggested and  
ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY**  
and ordered printed.

Sent for concurrence.

---

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

---

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **NATURAL  
RESOURCES** reporting **Ought to Pass** on Resolve, To Evaluate  
Climate Change Adaptation Options for the State

(S.P. 163) (L.D. 460)

Signed:

Senators:

GOODALL of Sagadahoc  
SIMPSON of Androscoggin

Representatives:

BOLDUC of Auburn  
MARTIN of Eagle Lake  
EBERLE of South Portland  
DUCHESNE of Hudson  
WALSH INNES of Yarmouth  
WELSH of Rockport

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford  
KNAPP of Gorham  
EDGECOMB of Caribou  
AYOTTE of Caswell

Came from the Senate with the Majority **OUGHT TO PASS**  
Report **READ** and **ACCEPTED** and the Resolve **PASSED TO  
BE ENGROSSED.**

**READ.**

On motion of Representative DUCHESNE of Hudson, the  
Majority **Ought to Pass** Report was **ACCEPTED.**

The Resolve was **READ ONCE** and was assigned for  
**SECOND READING** Thursday, April 9, 2009.

---

Majority Report of the Committee on **TAXATION** reporting  
**Ought Not to Pass** on Bill "An Act To Reduce Income Tax on  
Capital Gains"

(S.P. 233) (L.D. 618)

Signed:

Senators:

PERRY of Penobscot  
BLISS of Cumberland

Representatives:

WATSON of Bath  
BRYANT of Windham  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta  
PILON of Saco  
VALENTINO of Saco

Minority Report of the same Committee reporting **Ought to  
Pass as Amended by Committee Amendment "A" (S-37)** on  
same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth  
CHASE of Wells  
KNIGHT of Livermore Falls  
SIROIS of Turner

Came from the Senate with the Majority **OUGHT NOT TO  
PASS** Report **READ** and **ACCEPTED.**

**READ.**

Representative WATSON of Bath moved that the House  
**ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **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:** 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. 12**

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

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

ABSENT - Celli, Connor, Dill, Eberle, Eves, Flood, Greeley, Hill, Kent, Pendleton.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Pertaining to the Possession of Animal Fighting Paraphernalia"

(H.P. 151) (L.D. 186)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

HASKELL of Portland

HANLEY of Gardiner

LAJOIE of Lewiston

GREELEY of Levant

PLUMMER of Windham

BURNS of Whiting

WHEELER of Kittery

MAGNAN of Stockton Springs

SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-44)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin

DAVIS of Cumberland

Representative:

SCHATZ of Blue Hill

**READ.**

Representative HASKELL of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill is not a particularly easy issue, and our committee took quite seriously its responsibilities, when we looked at this bill, to create a new crime against the ownership of animal fighting paraphernalia. Animal fighting is a crime in the State of Maine. As a matter of fact, it is a felony in the State of Maine, and it is to our credit that we have been proactive in making sure that that bill has been passed and that it is law in our state and has been for some number of years. During that length of time, there has been nobody convicted of the crime of animal fighting. We don't have our heads in the sand, assuming it will never happen in the State of Maine, but it has not, to this point, happened in the State of Maine.

This bill would add an additional crime and that would be the ownership of certain kinds of equipment which can be used for training animals who fight. One of the issues that came up with this bill, however, is that much of this equipment can also be used in legitimate dog training, and the ownership would and should not be considered illegal if you are training dogs for law enforcement purposes, for instance. However, given the facts of around animal fighting here in the State of Maine now, and the fact that no law enforcement or enforcement officials of any sort came forward and said they were not able to prosecute or to charge anybody with animal fighting, we felt that adding another new crime at this time was not prudent and, consequently, the majority of the members of the committee voted Ought Not to Pass. I realize it is an emotional issue and none of us want to see our animals hurt or animals used and abused in that way. However, at this point in time, creating an additional crime, when the first one has not hit perpetrators jailed as yet, seemed to us to be ahead of the curve, so I would urge you to vote Ought Not to Pass on this bill.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion. It is not easy for me to do; I have great respect for the Representative from Portland, Representative Haskell, and all of her committee. However, as Chair of the Agriculture, Conservation and Forestry Committee, I think there is a policy issue addressed here that has not been addressed by voting an Ought Not to Pass on this bill.

I talked to the Department of Public Safety yesterday; in fact, I talked to the commissioner, and I said is there dog fighting in Maine, and she said yes there is. I said, well how do you know, and she can't seem to catch anybody. She said they found dead dogs in ditches, they found dead dogs in rivers, and the only way those animals could have died is from fighting. So there is a problem, they have ideas about where it is, but it takes approximately three minutes to set up and so it is very difficult to catch. So I asked would it help if you could arrest people who are keeping paraphernalia specifically for fighting dogs, training dogs to fight. She said that that would be helpful to them, they would not take a position on the bill but, yes, it would be helpful to enforcement to have some more equipment, so to speak, in order to enforce the law, the felony against dog fighting.

An amendment was presented. There were dog trainers concerned that there was overlap in some of the equipment that was being claimed to be paraphernalia for dog fighting, and the amendment fixed that. I am not a dog trainer. In fact, everyday my dogs inform me that they are not about to be trained, but I did talk to some dog trainers that did support that and said that the

amendment would not be a problem for them. So I do rise in opposition to the pending motion, and I would request a roll call.

Representative PIEH of Bremen **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 Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill is not about whether or not animal fighting should be against the law; it is already against the law. In fact, it is a felony. You cannot own, possess, keep, or train any animal with the intent that the animal is to be engaged in an exhibition for fighting. You can't for amusement or gain cause any animal to fight with another animal. In fact, you can't even allow on premises under your control animal fighting. It is a felony; it is a Class C crime. Viewing it, being a spectator, is already a crime. It is a Class D misdemeanor. The issue of paraphernalia possession, making that a felony in this situation, the way the bill is written, would include paraphernalia that is used in legitimate training exercises, such as a treadmill or a training collar. In fact, the way the bill is written, it would even make the UPS driver who delivered the paraphernalia guilty of a Class C felony. The committee heard no evidence of animal fighting in Maine. There may be some, but we heard no evidence. Veterinarians are required to report animal cruelty; in fact, they are given immunity from civil or criminal prosecution as they do that. We heard none.

This bill creates two additional felonies: the issue of possessing paraphernalia and the issue of being a participant. Did law enforcement come forth and say we found animal fighting? No. Did humane agents come forward and say we found evidence and prosecuted animal fighting? No. Did animal control officers come forward and say that? No. To create two new felonies in this particular bill, it is kind of like having a solution looking for a problem. 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. 13**

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hogan, Hunt, Johnson, Jones, Joy, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Shaw, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Adams, Boland, Casavant, Dostie, Eaton, Harlow, Hinck, Innes Walsh, Kaenrath, Knapp, Knight, MacDonald, Pieh, Schatz, Sirois, Smith, Stevens, Stuckey, Wagner J, Wagner R.

ABSENT - Celli, Connor, Eberle, Eves, Flood, Hill, Kent, Magnan, Pendleton.

Yes, 122; No, 20; Absent, 9; Excused, 0.

122 having voted in the affirmative and 20 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-49)** on Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 69) (L.D. 79)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

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

Signed:

Representative:

CASAVANT of Biddeford

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-49)** was **READ** by the Clerk.

On motion of Representative PIOTTI of Unity, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-49)** and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 203) (L.D. 508) Bill "An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 373) (L.D. 994) Bill "An Act To Amend the Charter of the Milo Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 43) (L.D. 120) Bill "An Act To Clarify the Criteria for Provision of Assistance to Low-income Customers of Natural Gas Companies" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-23)**

(S.P. 66) (L.D. 180) Bill "An Act To Make Technical Corrections to the Operating Under the Influence Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 234) (L.D. 619) Bill "An Act To Rename Certain Unorganized Townships in Washington County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-26)**

(S.P. 286) (L.D. 739) Bill "An Act To Provide That the Assessor and Treasurer Are Incompatible Municipal Offices" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-27)**

(H.P. 439) (L.D. 625) Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 85) (L.D. 101) Bill "An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-55)**

(H.P. 271) (L.D. 335) Resolve, Regarding Legislative Review of Portions of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-57)**

(H.P. 541) (L.D. 790) Bill "An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-58)**

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

---

**CONSENT CALENDAR  
Second Day**

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

(S.P. 255) (L.D. 680) Bill "An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned"

(S.P. 24) (L.D. 65) Bill "An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers" (C. "A" S-16)

(S.P. 32) (L.D. 83) Bill "An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State" (C. "A" S-17)

(S.P. 33) (L.D. 84) Bill "An Act To Ensure Fair Pay" (C. "A" S-18)

(S.P. 40) (L.D. 118) Bill "An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY) (C. "A" S-19)

(S.P. 87) (L.D. 246) Bill "An Act Regarding Violations of Lobster Conservation Laws" (C. "A" S-20)

(S.P. 112) (L.D. 348) Bill "An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways" (C. "A" S-21)

(H.P. 25) (L.D. 30) Bill "An Act To Establish Native American Veterans Day" (C. "A" H-45)

(H.P. 34) (L.D. 39) Bill "An Act To Enhance Motorcycle Safety" (C. "A" H-39)

(H.P. 144) (L.D. 165) Bill "An Act To Supervise and Regulate Escrow Agents in Order To Protect Consumers" (C. "A" H-40)

(H.P. 171) (L.D. 206) Resolve, To Fund the Nursing Education Loan Repayment Program (EMERGENCY) (C. "A" H-46)

(H.P. 195) (L.D. 249) Bill "An Act Regarding Bail Defaults and the Extradition Account" (C. "A" H-43)

(H.P. 196) (L.D. 250) Bill "An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana" (C. "A" H-42)

(H.P. 211) (L.D. 268) 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) (C. "A" H-47)

(H.P. 254) (L.D. 318) Bill "An Act Regarding Rockport College" (EMERGENCY) (C. "A" H-48)

(H.P. 285) (L.D. 378) Bill "An Act To Prohibit Dragging for Bait Fish in Certain Territorial Waters" (C. "A" H-51)

(H.P. 286) (L.D. 379) Bill "An Act To Amend the Notary Public Laws" (C. "A" H-50)

(H.P. 446) (L.D. 632) Bill "An Act To Increase Payments to Victims of Crimes" (C. "A" H-52)

(H.P. 517) (L.D. 758) Bill "An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees" (C. "A" H-53)

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

---

**BILLS IN THE SECOND READING  
House**

Resolve, To Increase the Blood Supply (H.P. 412) (L.D. 574)

**House as Amended**

Resolve, To Encourage the Preservation of Dark Skies (H.P. 6) (L.D. 11) (C. "A" H-15)

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (H.P. 11) (L.D. 16) (C. "A" H-41)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

---

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

---

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-13)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General

(S.P. 219) (L.D. 604)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 31, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative TARDY of Newport **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: 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. 14**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Casavant, Clark H, Cleary, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Finch, Flaherty, Flemings, Gilbert, Giles, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, 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, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Carey, Cebra, Chase, Clark T, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgcomb, Fitts, Fletcher, Fossel, Gifford, Greeley, Hamper, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Connor, Eberle, Eves, Flood, Hill, Kent, Lewin, Pendleton.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-12)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State

(S.P. 220) (L.D. 605)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 31, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative TARDY of Newport **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: 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. 15**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Casavant, Clark H, Cleary, Connor, Cornell du Houx, Crockett J, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Finch, Flaherty, Flemings, Gilbert, Giles, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, 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, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Carey, Cebra, Chase, Clark T, Cohen, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgcomb, Fitts, Fletcher, Fossel, Gifford, Greeley, Hamper, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Eberle, Eves, Flood, Hill, Kent, Lewin, Lovejoy, Pendleton.

Yes, 91; No, 51; Absent, 9; Excused, 0.

91 having voted in the affirmative and 51 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**SENATE PAPERS  
Pursuant to Statute**

**Commission on Governmental Ethics and Election Practices**

Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices"

(S.P. 536) (L.D. 1451)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.



**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding to the ElderCare Network"

(H.P. 304) (L.D. 416)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

MILLS of Somerset

Representatives:

PERRY of Calais

PETERSON of Rumford

JONES of Mount Vernon

SANBORN of Gorham

JOY of Crystal

CAMPBELL of Newfield

STRANG BURGESS of Cumberland

STUCKEY of Portland

EVES of North Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-56)** on same Bill.

Signed:

Representative:

LEWIN of Eliot

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

**READ.**

Representative PERRY of Calais 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. I was very surprised at the report here, and I asked a couple of the members of the committee afterwards, why would you possibly vote against this bill? From the title, basically, a couple of people were missing from the hearing and that happens, it looked like it was simply asking for money, which, of course, we do not have at this time, but actually, there is a zero fiscal note on this bill, zero. It simply transfers \$250,000 from the out of state travel budget to the ElderCare Network. Now the out of state travel budget might be a lot less this year than usual, but it is often higher than \$3 million a year, sending state employees and University of Maine staff members and administrators to places like Las Vegas, Honolulu, all around the globe, and you can look these up, they are down at the Fiscal Office. Every country in Europe, Brazil, South America, we send them all over the place. This would simply take \$250,000 out of that budget and put it towards the ElderCare Network.

The ElderCare Network is in dire financial straights. There are cutbacks on nighttime staff, their allowances have stayed the same for a long time, they are lowering the heat, and these are 90 year old people. There is no one in the ElderCare Network

that is under 90 years old. There are 60 of them, and there are seven homes in Lincoln County. They are asking the creditors, once again, for more time, and it is really down to the wire, they just don't know what they are going to do to keep these places open. They can't keep cutting staff down so there is no one there; someone has to feed these people. Where do they go if these homes close, is beyond me. I suppose some will just go to the hospital, some will go to the police station, I don't know.

One of the comments from one of the committee members is why should we just help this one outfit that is in Lincoln County? My answer to that is let's help all of the elderly all across the state, using this out of state travel budget. Now again, there might not be anything left in this out of state travel budget, and that would be up to Appropriations. But I would think that this body would want to send the message of priorities, which is more important. The out of state travel, going all around the world, or these sixty 90 year olds and the other elderly in the state that are cut back to the bare bones. It is just sending a message, and maybe there is that money, who knows? Maybe we are still spending that kind of money on out of state travel; so again, I hope we can just at least show the state where our priorities are. Thank you very much.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill did request funding for a special program within Lincoln County. It is also not within the regular programs that are offered throughout the state. The other part of this is there is some funding for that program in the budget. There was \$100,000 added for the Eldercare Network within the budget itself. Our feeling was we are setting priorities, those priorities have come forward to Appropriations Committee with other bills requesting money. Where that money comes from does become an Appropriations issue. Some of the things we learned about, as we were talking about the travel budget, is that some of the out of state travel is required for us to maintain the funding for some of our programs, required training and required meetings, and we don't feel that we are in the position to ask that change. Again, as we look at this, we are looking at this as a state, what we can be doing for the whole. Money has been put into that program, not as much as they want, but some has, and we feel that the rest of the decision comes from Appropriations. 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. 16**

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

**NAY** - Austin, Ayotte, Beaulieu, Bickford, Burns, Campbell, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Fossil, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Kaenrath, Knapp,

Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Valentino, Weaver.

ABSENT - Celli, Eberle, Eves, Flood, Hill, Kent, Pendleton.

Yes, 89; No, 55; Absent, 7; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

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. It is with great sadness that I inform this body of the death of Bruce Roy of Jay. Mr. Roy was a recent appointee to the Workers' Compensation Board, and who passed away yesterday at the young age of 52. I would ask that we would extend our condolences to Bruce's family on this tragic situation and circumstance. Thank you, Madam Speaker.

---

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

Representative **WALSH INNES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In reference to Roll Call No. 10, on SP 484, had I been present, I would have voted yea. In reference to Roll Call No. 11, on HP 1004, had I been present, I would have voted yea. Thank you.

---

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Allow the Sale and Use of Fuel Containing MTBE in a Vehicle in a Competitive Event"

(H.P. 458) (L.D. 644)

Signed:

Senators:

GOODALL of Sagadahoc  
SIMPSON of Androscoggin  
SMITH of Piscataquis

Representatives:

HAMPER of Oxford  
BOLDUC of Auburn  
KNAPP of Gorham  
MARTIN of Eagle Lake  
EBERLE of South Portland  
DUCHESNE of Hudson  
WALSH INNES of Yarmouth  
WELSH of Rockport

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

Signed:

Representatives:

EDGECOMB of Caribou  
AYOTTE of Caswell

**READ.**

On motion of Representative DUCHESNE of Hudson, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

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

---

On motion of Representative TARDY of Newport, the House adjourned at 11:05 a.m., until 10:00 a.m., Thursday, April 9, 2009 in honor and lasting tribute to Dorothy M. Pound, of Millinocket and Americo J. "Mickey" Mascetta, of Millinocket.