

# 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  
 27th Legislative Day  
 Thursday, April 9, 2009

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

Prayer by Reverend Wayne Sawyer, Thomaston Baptist Church.

National Anthem by Brewer Hometown Band.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Scarborough.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

Bill "An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation"

(S.P. 524) (L.D. 1440)

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 166)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333**

April 9, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills and resolves out "Ought Not to Pass":

Business, Research and Economic Development

L.D. 47 An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree Development Zone Benefits

L.D. 598 An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions

L.D. 1023 An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property

L.D. 307 An Act To Amend the Laws Governing Payment for Prearranged Funeral Services

L.D. 440 An Act Regarding Exceptions to the Maine Uniform Building and Energy Code

L.D. 813 An Act To Require Plain Language in Consumer Contracts

Criminal Justice and Public Safety

L.D. 284 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time

L.D. 748 An Act To Adjust the Assessment for Correctional Services from Sagadahoc County (EMERGENCY)

L.D. 325 An Act To Authorize the Resentencing of Certain Prisoners Who Have Served Consecutive Sentences of 20 or More Years

L.D. 634 An Act To Create a Mandatory Sentence for Repeat Offenders of Sex Offenses against Victims under 12 Years of Age

L.D. 747 An Act To Increase Split Sentencing Alternatives

L.D. 1035 An Act To Discourage Theft from and Destruction of Vending Machines

L.D. 995 An Act To Improve Purchasing for the Department of Corrections

L.D. 1067 Resolve, To Establish a Blue Ribbon Commission To Study Methods of Protecting Emergency Medical Services Personnel during the Transportation of Persons with Mental Illness (EMERGENCY)

Health and Human Services

L.D. 320 Resolve, Regarding the Use of MaineCare for Catastrophic Illness

L.D. 768 An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available

L.D. 939 An Act To Amend the Laws Governing Assisted Living Programs

L.D. 321 An Act To Impose a State Residency Requirement for Eligibility for General Assistance

L.D. 408 An Act To Clarify the Term of a Retail Tobacco License

L.D. 424 Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children

L.D. 576 Resolve, To Require the Department of Health and Human Services and the Maine State Housing Authority To Create Efficiencies in Existing Services for Persons Who Are Homeless

L.D. 721 Resolve, Directing the Department of Health and Human Services To Raise Public Awareness of Reflex Sympathetic Dystrophy Syndrome

L.D. 752 Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks

L.D. 753 Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Taxable Food Items

L.D. 794 Resolve, To Adjust Copayment Rules To Ensure Access to Home-based Care Services

L.D. 795 Resolve, To Enhance Public Information about the MaineCare Program

L.D. 819 An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians

L.D. 881 Resolve, To Ensure the Health of Maine Children by Requiring a Certain Vaccination

L.D. 916 An Act Regarding Trans Fat

L.D. 940 An Act To Estimate the Financial Costs to Providers in Implementing MaineCare Rules

LEGISLATIVE RECORD - HOUSE, April 9, 2009

Insurance and Financial Services	L.D. 876	Resolve, To Create a Surrounding Community Advisory Panel for the Juniper Ridge Landfill in Old Town
L.D. 21 An Act To Encourage the Diagnosis and Treatment of Autism Spectrum Disorders	L.D. 1011	An Act To Improve Solid Waste Disposal Quality
L.D. 1040 An Act Relating to Health Benefit Plan Coverage of Chemotherapy	L.D. 1051	An Act To Encourage Tire Recycling
L.D. 1304 An Act Regarding First-party Automobile and Casualty Insurance	State and Local Government	
Judiciary	L.D. 762	Resolve, To Increase Reporting Transparency in State Government
L.D. 444 An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction	L.D. 763	An Act To Clarify the Warrant Article Petition Process
L.D. 484 An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact	L.D. 785	An Act To Use All Available Technologies To Provide Efficiencies in State Facilities
L.D. 689 An Act Regarding Guardians Ad Litem	Taxation	
Labor	L.D. 493	An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns
L.D. 888 Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements	L.D. 381	An Act To Base the Motor Vehicle Excise Tax on the Documented Actual Sale Price Rather than on the Maker's List Price
Legal and Veterans Affairs	L.D. 459	An Act To Provide Tax Relief for Maine Residents Deployed for Military Service
L.D. 204 An Act Regarding the Conducting of Games of Chance by Nonprofit Organizations	L.D. 841	An Act Regarding the State Earned Income Tax Credit
L.D. 531 Resolve, To Allow Jenny Powell To Sue the State	L.D. 872	An Act To Provide a Tax Credit to Certain Heating Fuel Contract Consumers
L.D. 704 An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language	L.D. 884	An Act To Provide Income Tax Equity for Working Spouses
L.D. 900 An Act To Prohibit Payments to Persons Who Collect Signatures for the Direct Initiative or People's Veto of Legislation	L.D. 974	An Act To Decrease the Automobile Excise Tax and Promote Energy Efficiency
L.D. 901 An Act To Restrict the Size of Political Signs on Vehicles	Transportation	
L.D. 329 An Act To Increase the Prize Limit on Beano	L.D. 383	An Act To Ensure That All Toll and Intermodal Transportation Facilities and Roadway Lighting within the Maine Turnpike Corridor Are Consistent with Maine's Quality of Place Goals
L.D. 371 An Act To Allow One Registration Fee for Multiple-town Poker Runs	L.D. 388	An Act To Ensure That Fair and Actual Funds from Maine Turnpike Authority Toll Receipts Be Given to the Department of Transportation Annually
L.D. 534 An Act To Require Disclosure to a Potential Signer That a Circulator of Petitions for a Direct Initiative or People's Veto of Legislation Is Being Paid	L.D. 648	An Act To Allow the Operation of Low-speed Vehicles on Higher-speed Roads
L.D. 293 An Act To Provide Project Support for Veterans' Cemeteries	L.D. 649	An Act To Reimburse Communities That Have Constructed Sand and Salt Sheds Rated Priority 3 and 4
L.D. 948 An Act To Reduce the Cost of the Maine Clean Election Act	L.D. 661	Resolve, To Provide Equitable Tolls on the Maine Turnpike
L.D. 949 An Act To Reduce the Number of Qualifying Contributions Required for Special Elections under the Maine Clean Election Act	L.D. 664	Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Find Efficiencies in the Maine Transportation System
L.D. 1168 An Act To Allow the Taste Testing of Malt Liquor and Spirits	Utilities and Energy	
L.D. 887 An Act To Amend the Reporting Requirements for Independent Expenditures for Political Campaigns	L.D. 764	An Act To Allow Municipalities To Offer Access to the Internet through Digital Subscriber Lines
L.D. 990 An Act To Increase the Preservation Time for Municipal Campaign Finance Reports		The sponsors and cosponsors have been notified of the Committee's action.
L.D. 1247 An Act To Prohibit Maine Clean Election Act Candidates from Raising Private Campaign Funds		Sincerely, S/Millicent M. MacFarland Clerk of the House
Marine Resources		<b>READ and with accompanying papers ORDERED PLACED ON FILE.</b>
L.D. 836 An Act To Amend the Laws Governing the Scallop Season		
Natural Resources		
L.D. 871 An Act To Facilitate Compliance with Solid Waste Management Rules		

The Following Communication: (H.C. 167)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 9, 2009

Honorable Hannah M. Pingree  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the Committee on Inland Fisheries and Wildlife has approved the request by the bill sponsor Rep. Watson of Bath, to report the following "Leave to Withdraw":

L.D. 289 An Act To Require Boating Safety Education

Pursuant to Joint Rule 310, the Committee on Labor has approved the request by the bill sponsor Rep. Watson of Bath, to report the following "Leave to Withdraw":

L.D. 1109 An Act To Prohibit the Reduction of Benefits under the Maine Workers' Compensation Act of 1992 for Certain Prior Injuries

Pursuant to Joint Rule 310, the Committee on Legal and Veterans Affairs has approved the request by the bill sponsor Rep. Adams of Portland, to report the following "Leave to Withdraw":

L.D. 1328 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

Pursuant to Joint Rule 310, the Committee on Taxation has approved the request by the bill sponsor Rep. Sirois of Turner, to report the following "Leave to Withdraw":

L.D. 1272 An Act To Establish an Income Tax Credit for the Purchase of Certain Wood-burning Boilers and Stoves

Pursuant to Joint Rule 310, the Committee on Transportation has approved the request by the bill sponsor Rep. Langley of Ellsworth, to report the following "Leave to Withdraw":

L.D. 798 Resolve, Requiring the Department of Transportation To Replace All Property Markers along the 85-mile Stretch of the Calais Branch Corridor from Washington Junction to Ayers Junction

Sincerely,  
S/Millicent M. MacFarland  
Clerk of the House

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Establish the Maine Fuel Board" (H.P. 1007) (L.D. 1455)

Sponsored by Representative SMITH of Monmouth.  
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AUSTIN of Gray, CLEARY of Houlton, HUNT of Buxton, PRESCOTT of Topsham, Senator: PERRY of Penobscot.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance"

(H.P. 1008) (L.D. 1456)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Representative CUSHING of Hampden, Senator JACKSON of Aroostook and Representative: Speaker PINGREE of North Haven, Senators: MILLS of Somerset, SIMPSON of Androscoggin.

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

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

Sent for concurrence.

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

**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 21)

**ORDERED**, that Representative Andrea M. Boland of Sanford be excused March 3 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Howard E. McFadden of Dennysville be excused April 7 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Donald E. Pilon of Saco be excused March 31 for personal reasons.

**READ** and **PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the members of the Wells-Ogunquit Center at Moody, a senior center, for their successful efforts in providing local residents with a refuge to stay warm and lower home heating costs. The Center, owned, operated and funded by its senior members and volunteer efforts, first opened in 2004 as a gathering place for senior citizens and senior visitors in the Wells and Ogunquit area. The Center extended its Days of Warming project to the public for nine Saturdays in January and February, enabling people to turn down their thermostats during that period of time. On those Saturdays, lunch was served at no charge, as the program received funding in part through a grant from Bank of America. Area restaurants also played a role by donating provisions, while more than 50 volunteers, including several members of the Ogunquit Rotary Club, offered their assistance. We extend our appreciation to the members of the Wells-Ogunquit Center at Moody for their philanthropic service over the winter;

(HLS 206)

Presented by Representative CHASE of Wells.

Cosponsored by Senator NASS of York, Representative HILL of York.

On **OBJECTION** of Representative CHASE of Wells, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker.

Madam Speaker, Ladies and Gentlemen of the House. I am extremely proud today to tell you about the Wells/Ogunquit Center at Moody, our Senior Center in Wells and the incredible volunteers who are members there.

I've known many of them since 1997, when we first began the goal to build a much needed Senior Center for the Wells and Ogunquit area. Thousands of volunteer hours later spent in fundraising, knocking on doors, presentations to local businesses and organizations and grant writing, we opened our beautiful facility in 2004 with more than 800 people attending the grand opening ceremonies.

The volunteer efforts and the commitment of the members of WOCAM (the acronym we go by) have grown with the expanded membership—now more than 600 strong—of which I am one. Over the nearly 5 years since the center's opening, this active group has continued to raise the money needed to operate and maintain the center as well as provide programs, functions, entertainment and fun to those who go there. With an annual budget of more than \$175,000 that is no small feat. It is truly a facility owned, operated and funded by seniors—no tax money supports this center. Exercise classes, art classes, health seminars, cribbage, bridge, pinochle, Bingo, pancake breakfasts, trips, counseling, computer classes, karaoke, bowling, yoga, sing-a-longs, dinner theater, lunches and raffles are some of the things going on weekly. There is even a gift shop full of wonderful homemade crafts created by and sold by center volunteers.

When the energy costs rose so dramatically last fall, members of the Board of Directors for the Center applied for and received a grant from Bank America to help fund a concept for "Days of Warming". The idea was to open the Center for the nine coldest Saturdays—January thru February—encourage people to turn down their home thermostats and come to the center for a day of camaraderie, entertainment and a free lunch, while saving on their home heating costs. Local restaurants and organizations donated the food and the Centers members, again, stepped up to the volunteer plate to provide the people power to do it.

On those nine "Days of Warming" more than thirty eight volunteers worked more than 600 hours to serve over 500 hot lunches and provide games, crafts, movies, karaoke and fun bingo to area residents. It was a huge success.

Congratulations and thank you to the volunteers of the Wells/Ogunquit Center at Moody in their creative idea and all the hard work you do for the seniors in and around the Wells and Ogunquit area.

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

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**Recognizing:**

Mike Thomas Brown, a Maine native, who has successfully defended his mixed martial arts World Extreme Cagefighting's championship of the world title in the 145-pound division. World Extreme Cagefighting is the world's leading mixed martial arts sports organization. Mike's journey to the top of the mixed martial arts ranks began in Portland and Hollis, Maine. He graduated from Bonny Eagle High School where he was involved with the school's wrestling team. After attending Norwich University, Mike began competing in the sport of mixed martial arts. He trained and fought in local shows for many years. He stepped up to face international competition in 2005 when he traveled to Japan to participate in the featherweight tournament of DEEP, a Japanese mixed martial arts promotion specializing in lighter weight classes. His years of hard work finally came to fruition in the fall of 2008 when Mike defeated champion Urijah

Faber for the World Extreme Cagefighting championship in just under two and a half minutes in front of a live audience of thousands and with millions watching on television at home. Mike recently defended his title, stopping the highly-ranked Leonard Garcia in less than two minutes and solidifying his position as the top 145-pound mixed martial artist in the world. We congratulate Mike Thomas Brown on his achievements and send him our best wishes;

(HLS 209)

Presented by Representative PETERSON of Rumford.

Cosponsored by Representative HUNT of Buxton, Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is my great pleasure to speak today to honor a Maine native that has been a hero of mine for many years. Mike Thomas Brown won a state championship in wrestling for Bonny Eagle High School before going on to wrestle at and graduate from Norwich University.

I met Mike 10 years ago. At the time, he was my brother's wrestling coach at the University of Southern Maine and had just begun competing in the sport of mixed martial arts, or MMA, a hybrid of martial arts disciplines. The super bowl of the sport of MMA was then and still is the ultimate fighting championship, or UFC, as it is more commonly known. When my brother introduced me to Mike, he said to me, some day we will be watching Mike on Pay-Per-View in the UFC. Sure enough, a few years later we sat at home and watched Mike, along with millions of other fans, compete in the UFC on Pay-Per-View.

Since then, Mike has gone on to fight around the world against the toughest athletes in this sport. He has fought in Japan and Russia and has attained multiple titles. But the real highlight of his career came back on November 5, 2008, a day after the election. Mike faced the then champion of the world, at 145 lbs, and went into the fight as a severe underdog. Mike, to everyone's surprise, except those that knew him, flipped the MMA universe upside down by defeating the champ in less than two and a half minutes and claiming the title as his own. He most recently defended his world championship by stopping his challenger, this time in less than two minutes.

I could go on for hours about this man's athletic accomplishments, but the real gift of Mike Brown is his humility, his kindness, and his commitment to chasing his dreams. Despite countless challenges, setbacks, injuries and uprooting, Mike never stopped dedicating himself to going for more, not just in sport but in life in general. Mike Brown has inspired me to stay focused, stay disciplined, and to stay inspired. He is set to defend his title from the man he took it from on June 7th. We wish you good luck and Godspeed, and I love you brother.

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

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**Recognizing:**

the members of the St. Dominic Regional High School Golf Team, winners of the Class C State Championship: Ben Adams, Greg LaBonte, Richard Paradis, DJ St. Pierre, Chris Bryant, Cortney Gorczyca, Dylan Rodrigue, Joseph Bryant, Jake Landry, Daniel Nadeau, Cody Rodrigue and Amanda Turcotte; Assistant Coach Laurie Cullen; and Coach Kevin Cullen. This is the

second state title for the team in as many seasons. The team also received the *Sun Journal* All-Region Team of the Year award. We extend our congratulations and best wishes to the team members on their achievements;

(HLS 210)

Presented by Representative BEAULIEU of Auburn. Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Senator SIMPSON of Androscoggin, Representative BOLDUC of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston.

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**Recognizing:**

the following members of the Rangeley Lakes Regional High School Cheerleading Team: Teryn Austin, Chelsea Dresser, Gabby Eckardt, Alyssa Ferguson, Douglass Haley, Chelsey Sacre, Britt Taylor, Meagan Trafton, David vanSoeren and Van Weisz and Coach Tracy Cavalier and team helper Hannah Ventresca, silver medalists at the 2009 Class D State Championship. The competing cheering teams are judged by several criteria including energy, excited personality, flexibility, difficulty, strength and overall affect. The team qualified for the New England Cheerleading Championships held at the University of New Hampshire March 21, 2009. We extend our congratulations to all of the members of the team on their accomplishment;

(HLS 211)

Presented by Representative CROCKETT of Bethel. Cosponsored by Senator GOOLEY of Franklin, Representative PETERSON of Rumford.

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, Ladies and Gentlemen of the House. I will be brief; the sentiment said it so well. Originally, I was going to bring the cheerleading team down to speak on my school consolidation bill, but that didn't work out for timings sake. I would just like to recognize them and thank them for their fine performance at the New England Championships. They represented Maine well, and we should be proud of these young men and women. Thank you.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election

(S.P. 48) (L.D. 129)

Signed:

Senators:

SULLIVAN of York

GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn

CORNELL du HOUX of Brunswick

VALENTINO of Saco

TRINWARD of Waterville

TUTTLE of Sanford

CAREY of Lewiston

RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township

FITTS of Pittsfield

NASS of Acton

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

**READ.**

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 17**

YEA - Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Casavant, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cray, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Edgecomb, Finch, Flaherty, Flemings, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rosen, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Bickford, Browne W, Burns, Campbell, Cebra, Clark T, Cotta, Crafts, Crockett J, Curtis, Davis, Fitts, Fletcher, Fossel, Gifford, Hamper, Harvell, Johnson, Joy, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Adams, Carey, Celli, Cushing, Eberle, Eves, Flood, Greeley, Hogan, Legg, Pendleton, Pratt, Smith.

Yes, 97; No, 41; Absent, 13; Excused, 0.

97 having voted in the affirmative and 41 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED.**

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 14, 2009.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

(S.P. 114) (L.D. 350)

Signed:

Senators:

SULLIVAN of York  
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick  
VALENTINO of Saco  
TRINWARD of Waterville  
TUTTLE of Sanford  
CAREY of Lewiston  
RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
PINKHAM of Lexington Township  
FITTS of Pittsfield  
NASS of Acton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-35)**.

**READ.**

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a resolution proposing an amendment to the Constitution of Maine regarding early voting. Early voting is the time period before an election, during which voters have an opportunity to cast a ballot at a designated voting place within their municipality in the same manner as Election Day. By the same manner, I mean that voters walk in; they check off their name on the list; they receive a ballot; they go into a voting booth; they leave the voting booth and they cast their ballot, which means in some municipalities they put their ballot into an optical scanner, in other municipalities they drop their ballot into the ballot box. This is different than absentee balloting, where you put your ballot into an envelope to be processed later.

The 123rd Legislature authorized a pilot program on early voting. It was provided for three communities in the State of Maine. It was a huge success and tremendously popular. It provided convenience in ease of access to voting. Maine consistently ranks among the states with the highest voter turnout. I am very proud that the citizens of Maine continue to remain so active in our political process and, as long as I am in

the Legislature, I will work as hard as I can to continue that policy.

Early voting is just another tool that has helped to increase voter participation in our elections. Thirty-one states now already allow early voting, it streamlines the ballot process, it helps by reducing errors, by reducing the number of times that absentee ballots are handled and dealt with. I urge all of you to support this amendment today for early voting, and I wish to call for a roll call.

Representative TRINWARD of Waterville **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Standish, Representative Shaw.

Representative **SHAW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I urge that you support this measure. Three years ago, I was involved in an election where I originally won by 13 votes. A lot of the ballots that were cast that night were absentee ballots. People, generally, would go into the town hall, ask for their ballot, go off to another room and mark the ballot, then fold it up and put it in an envelope and give it back to the town clerk. Essentially, they were doing exactly what we are talking about here, except the ballot wasn't run that night. All the envelopes were taken to the voting place at the local school, the envelopes opened, the ballots run.

The problem that night, they were having problems with the optical scanning machines, where the creases in the ballots were getting gummed up in the machine. If the people had just been able to take the ballot and stick it into the machine the day they went to the town hall to vote, where they were going to the town hall to do their absentee vote, if they hadn't had to fold it all up and stick in the envelope, a lot of the problems of that night would have been resolved.

I ended up losing the election by six votes after a recount. There was a swing of 19 votes. A lot of that could have been taken care of if they had the early voting option at that date. Problems with the voting machine were only because of the creases in the absentee ballots, so I would urge the members of the House to adopt this early voting. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We are talking about changing Election Day to Election Ten Days. There will be no opportunity to practically watch the polling place to ensure that things are being done properly. We have today opportunities for poll watchers and those opportunities keep election fraud from occurring. This would eliminate, for a great part, any opportunity to prevent anything negative from happening and the contamination of a ballot box. One bad ballot spoils an election, remember that.

This issue of absentee voting and folding of ballots, there are many opportunities to correct those problems. The Secretary of State's office has those opportunities by getting bigger envelopes. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Flaherty.

Representative **FLAHERTY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to support this piece of legislation. As some of you may know, the Town of Scarborough has been doing early voting for a number of election cycles. This year, we had over 90 percent turnout in



the Town of Scarborough. Over half of those people voted early. Early voting enables people to prevent themselves from waiting in line. This will help people who work through the day, senior citizens who can't stand up in line, they will be able to come, vote early, cast their vote, engage in the civic process. This bill will only do more to encourage more people to vote and that is always a good thing. Thank you, Madam Speaker.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to urge my members to support this initiative. For one thing, we are already doing this in many ways. We are already allowing people to vote early, we are just calling it absentee voting. The only difference that we are advocating for is that, currently, you put your name and you sign your name to the absentee ballot. What this would do is to allow you to put that ballot into a machine or into the ballot box.

One of the reasons this is important is that people need to know that their vote counts. There is a myth out there that absentee votes don't matter, that they are not counted unless it is absolutely necessary, and in a state like Maine where we do take pride in our voting turnout, we do want to make sure that everybody understands and knows that their vote counts. More importantly than that, they need to understand that there is a sanctity to that vote. What this does is to create a separation between someone's name and their vote.

Currently, when you absentee vote, you write your name and you sign your name on that ballot. That causes me concern because I really feel strongly that we should have the right to a secret ballot, and when the vote is no longer secret, and I put full confidence in my registrars and in my city clerks that they are not tracking how I am voting and what I am voting for; however, there is an appearance that there is not a secret ballot. Frankly, someone could come up and open my ballot and know who I am and say, oh gee, I wonder who they voted for? We all have small towns that we grew up in or we live in, we know how small towns work. Think about it here in the Legislature: Well, so and so didn't vote Democrat, or so and so didn't vote Republican. Come on, we know this happens. So what this does is to make sure that you have a secret ballot and that everyone in this state has a secret ballot, which they don't really have right now. So all we are asking with this constitutional amendment is that people be able to separate their name from their vote and to be able to make sure that vote counts.

This is a process issue; it does not change the entire paradigm by how we vote on any level. It is a simple process issue. We are already doing this; we are already allowing people to vote early through absentee voting. All this does is to protect the integrity and the sanctity of that secret ballot, and to make sure that people understand and recognize and know that their vote counts. They are not just handing someone an envelope, they are actually putting the ballot into a machine or into a box, of which is entirely secure. So Ladies and Gentlemen of the House, I ask and urge that you vote in support of this constitutional amendment. It protects the integrity of the voting process and opens the doors for folks who want to be able to vote by secret ballot. Thank you very much, I appreciate it.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am an employee at the Town of Mexico, and I have done this process through absentee balloting. Because of the last couple of elections, of course, I can't even go near the ballots, and I see

my coworkers doing this process on a daily basis, and it is a lot of work for them. It is a lot of added work for them.

I think it would be really great; it would be convenient for them to allow the people, when they come into the town office, to be able to just slide their ballots in the machine, we check them off that they have voted, and they don't have to go through the long process of filling out the absentee envelopes. The town clerk, she has a registrar that she has to keep every day when somebody comes into vote, she has to write their name down, she has to acknowledge all of the documentation. This would be much more convenient for the clerks and the employees doing this on a daily basis. It would be really helpful in order to do it in this manner. As Representative Russell has just stated, they are doing it anyway as far as voting. It is going right into the machine and it is a done deal. I am in strong support of this, and I would appreciate everybody else following my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is my first time speaking, but it is something I feel strongly about. I think that more than anybody else in this chamber, I have been involved in close and controversial elections. I strongly feel that we need to reform the way we vote, we count votes and we recount votes, and I would strongly support us looking at the whole procedure. However, to do this piecemeal simply allows the problems we have to fester for one more election cycle, so I strongly urge you to turn this down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill. I don't propose to know what it is like in the larger communities where voting is congested, but I can speak to what it is like in small communities, and I think there is one thing that we do overlook from time to time and that is the importance and significance of that voting day. I see it time after time when people come to the polls, it is a significant day, it is a day that you bring your kids to the polls to learn about history, it is a day of importance, and I am concerned that if we lengthen the amount of time that you can come in and cast your vote, we take away from the significance and the importance of that heritage that we have in this country.

I know that we have made ample provisions for those who aren't able to get in there to the polls by the 45 day absentee voting, and I think that is very good, I think all clerks go out of their way to accommodate those folks that can't get in or, for other reasons, aren't able to come in. But that voting day is a very, very important day, and I think to protect the integrity of the voting process, it needs to be done on that day. When you come in, you have to stand in line a little while, but you exercise your constitutional rights to cast your ballot. I think that when we diminish that, we are taking away from our heritage. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 18

YEA - Adams, Beaudette, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek,

McCabe, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, 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, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, 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, Cushing, Eberle, Eves, Flood, Greeley, Hogan, Legg, Pendleton, Pratt.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The **RESOLUTION** was **READ ONCE**. **Committee Amendment "A" (S-35)** was **READ** by the Clerk and **ADOPTED**. The **RESOLUTION** was assigned for **SECOND READING** Tuesday, April 14, 2009.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on State and Local Government"

(S.P. 256) (L.D. 681)

Signed:

Senators:

SIMPSON of Androscoggin  
JACKSON of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-29)** on same Bill.

Signed:

Representative:

COTTA of China

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

**READ.**

Representative **BEAUDETTE** of Biddeford 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. 19**

**YEA** - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, 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, Campbell, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

**ABSENT** - Celli, Cushing, Eberle, Eves, Flood, Greeley, Hogan, Legg, Nelson, Pendleton, Pratt.

Yes, 87; No, 53; Absent, 11; Excused, 0.

87 having voted in the affirmative and 53 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass** on Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

(H.P. 326) (L.D. 438)

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln  
McCABE of Skowhegan  
PERCY of Phippsburg  
SMITH of Monmouth  
EDGECOMB of Caribou  
CRAY of Palmyra

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

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford

Representatives:

PIEH of Bremen  
KENT of Woolwich  
O'BRIEN of Lincolnville

**READ.**

On motion of Representative **PIEH** of Bremen, the Minority

**Ought Not to Pass Report was ACCEPTED.**

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought Not to Pass** Report 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. 246) (L.D. 672) Bill "An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 31) (L.D. 82) Bill "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-28)**

(S.P. 64) (L.D. 178) Bill "An Act To Create the Support Animal Welfare Registration Plate" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)**

(S.P. 89) (L.D. 266) Bill "An Act To Preserve Statewide Public Broadcasting" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-33)**

(S.P. 189) (L.D. 490) Bill "An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)**

(H.P. 64) (L.D. 74) Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-59)**

(H.P. 117) (L.D. 138) Bill "An Act Regarding the Placement of Bait To Attract Wild Animals or Birds for Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-60)**

(H.P. 178) (L.D. 213) Bill "An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-66)**

(H.P. 272) (L.D. 336) Resolve, Regarding Legislative Review of Portions of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-63)**

(H.P. 525) (L.D. 766) Bill "An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-65)**

(H.P. 585) (L.D. 850) Bill "An Act To Ensure Local Broadband Coverage" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-64)**

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. 203) (L.D. 508) Bill "An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships"

(S.P. 373) (L.D. 994) Bill "An Act To Amend the Charter of the Milo Water District"

(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" (C. "A" S-23)

(S.P. 66) (L.D. 180) Bill "An Act To Make Technical Corrections to the Operating Under the Influence Laws" (C. "A" S-24)

(S.P. 234) (L.D. 619) Bill "An Act To Rename Certain Unorganized Townships in Washington County" (C. "A" S-26)

(S.P. 286) (L.D. 739) Bill "An Act To Provide That the Assessor and Treasurer Are Incompatible Municipal Offices" (C. "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

(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) (C. "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) (C. "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" (C. "A" H-58)

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** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING  
Senate**

Resolve, To Evaluate Climate Change Adaptation Options for the State

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

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

**ENACTORS  
Emergency Measure**

An Act To Extend the Exception to Axle Fines during the Midwinter Season

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

(C. "A" S-10)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Validate the Property Tax Commitments in the Towns That are Members of Community School District No. 9  
(S.P. 287) (L.D. 740)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding the Retention of Dealer Plates in Light of Recent Economic Conditions

(H.P. 386) (L.D. 541)  
(C. "A" H-10)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Mandate**

An Act To Change the Name of Township 16, Range 4, WELS, to Madawaska Lake

(H.P. 28) (L.D. 33)  
(C. "A" H-12)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Amend the Instruction Permit Process

(S.P. 16) (L.D. 7)  
(C. "A" S-7)

An Act To Modify the Laws Regarding Seat Belts

(S.P. 71) (L.D. 221)  
(C. "A" S-9)

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

(H.P. 209) (L.D. 263)  
(C. "A" H-11)

An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States

(S.P. 248) (L.D. 673)

An Act Concerning Cremated Remains

(H.P. 501) (L.D. 718)

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

**Resolves**

Resolve, To Allow the Department of Transportation To Transfer Certain Land to the Greater Grand Isle Historical Society

(H.P. 392) (L.D. 554)  
(C. "A" H-9)

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

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

**ENACTORS  
Emergency Measure**

An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts

(H.P. 214) (L.D. 271)  
(C. "A" H-36)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

**SENATE PAPERS**

The following Joint Order: (S.P. 540)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 14, 2009 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

Resolve, Establishing the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries (EMERGENCY)

(S.P. 538) (L.D. 1452)

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

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Transfer the Operation of the Fort Knox State Historic Site to the Friends of Fort Knox"

(H.P. 354) (L.D. 509)

Signed:

Senators:

SHERMAN of Aroostook

BRYANT of Oxford

Representatives:

McCABE of Skowhegan

PERCY of Phippsburg

PIEH of Bremen

SMITH of Monmouth

PRATT of Eddington

CRAY of Palmyra

KENT of Woolwich

O'BRIEN of Lincolnville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-61)** on same Bill.

Signed:  
Senator:  
NUTTING of Androscoggin

Representatives:  
GIFFORD of Lincoln  
EDGEComb of Caribou

**READ.**

Representative PIEH of Bremen moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)** on Bill "An Act To Reduce Misuse of Woodlands by the Public"

(H.P. 370) (L.D. 525)

Signed:  
Senator:  
TRAHAN of Lincoln

Representatives:  
EBERLE of South Portland  
CLARK of Millinocket  
BRIGGS of Mexico  
SHAW of Standish  
McLEOD of Lee  
SARTY of Denmark  
SAVIELLO of Wilton  
CRAFTS of Lisbon

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

Signed:  
Senators:  
BRYANT of Oxford  
JACKSON of Aroostook

Representative:  
WHEELER of Kittery

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-62)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 14, 2009.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Permit Personal Watercraft on Lake St. George in Liberty"

(S.P. 37) (L.D. 88)

Signed:  
Senators:  
JACKSON of Aroostook

TRAHAN of Lincoln

Representatives:  
DAVIS of Sangerville  
EBERLE of South Portland  
WHEELER of Kittery  
CLARK of Millinocket  
BRIGGS of Mexico  
SARTY of Denmark  
SAVIELLO of Wilton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)** on same Bill.

Signed:  
Senator:  
BRYANT of Oxford

Representatives:  
SHAW of Standish  
CRAFTS of Lisbon

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

**READ.**

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Provide Complimentary Hunting and Fishing Licenses to Resident Disabled Veterans Who Served in Support Units Outside of Combat Zones"

(S.P. 54) (L.D. 168)

Signed:  
Senators:  
BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:  
EBERLE of South Portland  
WHEELER of Kittery  
CLARK of Millinocket  
BRIGGS of Mexico  
SHAW of Standish  
SARTY of Denmark  
SAVIELLO of Wilton  
CRAFTS of Lisbon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-47)** on same Bill.

Signed:  
Representative:  
McLEOD of Lee

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

**READ.**

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Create an Additional Hunting Season for Bear"

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

Signed:

Senators:

BRYANT of Oxford  
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville  
EBERLE of South Portland  
WHEELER of Kittery  
CLARK of Millinocket  
SHAW of Standish  
McLEOD of Lee  
SARTY of Denmark  
SAVIELLO of Wilton  
CRAFTS of Lisbon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-48)** on same Bill.

Signed:

Senator:

JACKSON of Aroostook

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

**READ.**

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Inland Fisheries and Wildlife"

(S.P. 251) (L.D. 676)

Signed:

Senators:

BRYANT of Oxford  
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville  
EBERLE of South Portland  
WHEELER of Kittery  
CLARK of Millinocket  
SHAW of Standish  
McLEOD of Lee  
SARTY of Denmark  
CRAFTS of Lisbon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)** on same Bill.

Signed:

Representative:

SAVIELLO of Wilton

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

**READ.**

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative SAVIELLO of Wilton **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. 20**

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Finch, Flaherty, Flemings, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nass, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, 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, Bickford, Browne W, Burns, Campbell, Cebra, Chase, Clark T, Cotta, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Fossil, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Eberle, Eves, Flood, Gilbert, Hogan, Legg, Pendleton, Pratt.

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.

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. As I mentioned yesterday, the Maine AFLCIO and the people of Maine are deeply saddened to share the news of the death of our union brother, leader and dear friend, Bruce Roy, at the age of 52. Bruce was a friend, an inspiration to us all, and a tireless advocate for the working people of Maine. He will be deeply missed.

The visiting hours and funeral service for Brother Roy will be as follows: Visitation hours will be Friday, April 10th, at the Finley Funeral Home in Livermore Falls, from 2 pm to 4 pm, and again from 6 pm to 8 pm. The funeral service will be Saturday, April 11th at 11 am, at the Finley Funeral Home, 15 Church Street, Livermore Falls, Maine, 04254. Contributions can be made to the

Education Fund for the grandchildren of Bruce Roy, in care of the Finley Funeral Home, 15 Church Street, Livermore Falls, Maine.

Madam Speaker, I request there be a moment of silence.

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At this point, the Members of the House stood and joined in a moment of silence in honor of Bruce D. Roy, of Jay.

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

Representative **RUSSELL**: Thank you, Madam Speaker. I just wanted to echo Representative Tuttle's comments about Mr. Roy. He also was a very good friend of mine, and his heart was just too big.

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

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On motion of Representative GILBERT of Jay, the House adjourned at 11:36 a.m., until 10:00 a.m., Tuesday, April 14, 2009 pursuant to the Joint Order (S.P. 540) and in honor and lasting tribute to Roderick J. Robertson, of East Millinocket and Bruce D. Roy, of Jay.