

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
28th Legislative Day
Tuesday, April 14, 2009

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

Prayer by Chaplain William Blaine-Wallace, Bates College, Lewiston.

National Anthem by Bates College Merimanders, Lewiston.

Pledge of Allegiance.

Doctor of the day, Louisa Barnhart, M.D., Augusta.

At this point, a message came from the Senate borne by Senator MARRACHÉ of Kennebec of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable John Fitzsimmons, President of the Maine Community College System, and the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, an invitation to attend the Joint Convention and to make such communication as pleases them.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative PIOTTI of Unity to convey this message to the Senate.

The Journal of Thursday, April 9, 2009 was read and approved.

SENATE PAPERS

Bill "An Act To Reform Natural Resources Agencies and Establish the Department of Natural Resources" (EMERGENCY) (S.P. 539) (L.D. 1453)

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

On motion of Representative PIEH of Bremen, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 168)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 6, 2009

John Fitzsimmons, President
Maine Community College System
131 State House Station
Augusta, ME 04333

Dear President Fitzsimmons:

We are pleased to invite you to address a Joint Session of the 124th Maine Legislature on Tuesday, April 14, 2009 at 11:00 a.m. concerning the State of the Maine Community College System and any other matters that you may care to bring to our attention. On the same day, following your address, Richard Pattenau, Chancellor of the University of Maine System, will be addressing the Joint Convention.

We look forward to seeing you then.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate
S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

Subsequently, Representative PIOTTI of Unity reported that he had delivered the message with which he was charged.

The Following Communication: (H.C. 169)

**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT
323 STATE STREET
AUGUSTA, MAINE 04330-7131**

March 19, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
124th Maine Legislature
3 State House Station
Augusta, ME 04333-0003

The Honorable Hannah M. Pingree
Speaker of the House
124th Maine Legislature
2 State House Station
Augusta, ME 04333-0002

Dear President Mitchell and Speaker Pingree:

Thank you for your letter of March 6, 2009, inviting me to address a Joint Session of the 124th Maine Legislature on Tuesday, April 14th. On behalf of Maine's Community College trustees, employees and students, it is with great pride that I accept your kind invitation. I look forward to sharing with you my thoughts on the state of the Maine Community College System.

Thank you again for your invitation.

Sincerely yours,

S/John Fitzsimmons

President

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 170)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 6, 2009

Richard L. Pattenau, Chancellor
University of Maine System
16 Central Street
Bangor, ME 04401

Dear Chancellor Pattenau:

We are pleased to invite you to address a Joint Session of the 124th Maine Legislature on Tuesday, April 14, 2009 concerning the State of the University of Maine System and any other matters that you may care to bring to our attention. We will begin the Joint Session at 11:00 a.m. with an address from John Fitzsimmons, President of the Maine Community College System. You will address the Joint Convention directly following the President.

We look forward to seeing you then.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 171)

**MAINE'S PUBLIC UNIVERSITIES
UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR
16 CENTRAL STREET
BANGOR, ME 04401-5106**

April 1, 2009

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

Dear President Mitchell and Speaker Pingree:

Thank you for your invitation to address a Joint Session of the 124th Maine Legislature on Tuesday, April 14, 2009 concerning the State of the University of Maine System. I accept with pleasure and look forward to the opportunity to share with you my thoughts on the rule and future of the University of Maine System.

These are challenging times. I deeply appreciate the support provided by the Legislature as we work together to build a brighter future for the people of Maine.

Sincerely,
S/Richard L. Pattenaude
Chancellor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 172)

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

March 16, 2009

Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 1, §411, I am pleased to appoint Representative Dawn Hill of York to the Right to Know Advisory Committee.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,
S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Limit Membership by School Administrative Units in Certain Interscholastic Organizations"

(H.P. 1011) (L.D. 1457)

Sponsored by Representative TARDY of Newport.

Cosponsored by President MITCHELL of Kennebec and Representatives: BECK of Waterville, BROWNE of Vassalboro, MARTIN of Eagle Lake, MAZUREK of Rockland, PRESCOTT of Topsham, ROSEN of Bucksport, Senator: HOBBS of York.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

Sent for concurrence.

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

(H.P. 1012) (L.D. 1460)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative TRINWARD for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1013) (L.D. 1461)

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

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

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative TRINWARD for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1014) (L.D. 1462)

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

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

Sent for concurrence.

ORDERS

On motion of Representative PLUMMER of Windham, the following Joint Resolution: (H.P. 1010) (Cosponsored by Senator DIAMOND of Cumberland and Representatives: BLODGETT of Augusta, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, CAMPBELL of Newfield, CEBRA of Naples, CHASE of Wells, COHEN of Portland, COTTA of China, CROCKETT of Bethel, DAVIS of Sangerville, DRISCOLL of Westbrook, FINCH of Fairfield, FITTS of Pittsfield, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILES of Belfast, GOODE of Bangor, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOY of Crystal, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, LANGLEY of Ellsworth, LEGG of Kennebunk, MAGNAN of Stockton Springs, MAZUREK of Rockland, McCABE of Skowhegan, MILLETT of Waterford, NASS of Acton, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PRESCOTT of Topsham, RUSSELL of Portland, SCHATZ of Blue Hill, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SYKES of Harrison, THERIAULT of Madawaska, THIBODEAU of Winterport, WAGNER of Lyman, WEAVER of York, WILLETTE of Presque Isle, Senators: ALFOND of Cumberland, BOWMAN of York, COURTNEY of York, JACKSON of Aroostook, NASS of York)

JOINT RESOLUTION RECOGNIZING MAY 2009 AS LYME DISEASE AWARENESS MONTH IN THE STATE

WHEREAS, the health and well-being of the citizens of the State are of paramount importance and Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

WHEREAS, according to the federal Centers for Disease Control and Prevention, Lyme disease was identified and named in 1977, when arthritis was observed in a cluster of children in and around Lyme, Connecticut and the Council of State and Territorial Epidemiologists designated Lyme disease as a nationally notifiable disease in January 1991; and

WHEREAS, Lyme disease is the most common vector-borne disease in the United States and is caused by the spirochete *Borrelia burgdorferi*, which is usually transmitted by the bite of a tick. Children 5 to 9 years of age and adults in their 50s and 60s comprise the age groups at the highest risk; and

WHEREAS, Lyme disease early on can cause rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue but can be treated with antibiotics if caught early. Unfortunately the disease often goes undetected because it mimics other illnesses or may be misdiagnosed; and

WHEREAS, if left untreated, Lyme disease can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

WHEREAS, the best protection against Lyme disease is to wear light-colored clothing, with pants tucked into socks when outdoors, and to check oneself carefully for ticks when going back inside; and

WHEREAS, during 2007, a total of 27,444 cases of Lyme disease were reported in the United States, a 32% increase over the previous year. The Centers for Disease Control and Prevention indicates that the actual number of cases of Lyme disease that meet its criteria is 10 times the amount reported, bringing the actual number of cases that meet the center's criteria to 274,440 for 2007; and

WHEREAS, during 2007, there were a total of 529 cases of Lyme disease reported in the State, a 57% increase over the 338 cases reported in 2006, and 860 cases were reported in the State in 2008, a 62% increase over 2007. Since the Centers for Disease Control and Prevention indicates that the number of actual cases in the country is 10 times the amount reported, the actual number of cases in the State may be far greater; and

WHEREAS, Lyme disease accounts for 95% of all vector-borne infections in the United States and the ticks that spread Lyme disease also spread other diseases, such as ehrlichiosis, anaplasmosis and babesiosis, and the presence of other tick-borne diseases clouds the diagnostic and treatment picture; and

WHEREAS, having a Lyme Disease Awareness Month provides an opportunity to focus on this significant and complex disease; to provide information on and raise public awareness of its causes, effects and treatments; and to underscore important education and research efforts surrounding Lyme and tick-borne diseases; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May of 2009 is Lyme Disease Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John E. Baldacci, Governor of the State of Maine and to the Department of Health and Human Services.

READ.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would like to thank the 55 members of the House who signed on to this resolution. I think that is pretty great considering we only had one legislative day to do that. Although I knew little about Lyme disease before, my friend Barb Maurais told me a few years ago that both she and her husband had contracted it. That revelation was the beginning of a new education for me.

Barbara and Bob are here today to help us get a better understanding of the effects of this debilitating affliction. They are here with about 20 other members of the Maine Lyme Disease Group. I know that some people still question whether Lyme disease is real or not. I would suggest that if you have questions about this, you talk with a member of the group that is here today, or you could talk with Bill Whitten, who is here representing Cumberland County on a regular basis. I have known Bill for many years and I have known him to be a very healthy person. I have seen him on a couple of occasions, on bad Lyme disease days recently. Bill has reinforced the reality of this disease for me. Or I could put you in contact with a woman from Gray, who wrote me to thank me for sponsoring this resolution and writing an article in our local newspaper. Her letter really drove home the point for me. It took 15 years of suffering before she was diagnosed. I invited her to be here today, but unfortunately she was not able to do that. I am proud to be the sponsor of this resolution and hope that you will all take a few minutes to visit the people from the Lyme Disease Support Group, who are here in the Hall of Flags today. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative PIOTTI of Unity, the following Joint Resolution: (H.P. 1009) (Cosponsored by Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARLY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland,

GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING
THE UNITED STATES CONGRESS TO AMEND
THE FEDERAL ORDER SYSTEM
TO ENSURE THAT MAINE DAIRY FARMERS
WILL RECEIVE A SUSTAINABLE PRICE FOR THEIR MILK**

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, the Maine dairy industry retains its ability to provide for the beverage milk consumption requirements of the people of the State, with more than sufficient in-state milk production and in-state processing capacity; and

WHEREAS, one of the lessons of 9/11, and an enduring lesson of increased energy costs, is an awareness of the importance of the security of and the availability of access to a reliable local supply of fresh staple food and food products and having access to that local supply is also now a consumer preference; and

WHEREAS, maintaining a viable Maine dairy industry is in the State's broader economic interest, as the industry comprises the State's largest agricultural sector and is among the State's top employers, contributing \$57,000,000 to the State's economy and providing 4,000 jobs with a direct payroll of \$150,000,000 each year; and

WHEREAS, the State's 330 family-run dairy farms maintain stewardship over 700,000 acres of land and are of pivotal importance to the State's largest industry, tourism, and have a broad impact on every county and community throughout the State; and

WHEREAS, in recognition of the health, economic and social importance of the nation's dairy industry and the importance of maintaining stable supplies of locally produced fresh milk, a long-standing federal regulatory program has been in place for the express purpose of setting minimum producer prices sufficient to ensure adequate supplies of fresh milk for each of the regional population centers of the country; and

WHEREAS, the Federal Government has further supported the availability of locally produced and supplied fresh milk and dairy products through a series of food nutrition programs, including the Women, Infants and Children Special Supplemental Nutrition Program of the United States Child Nutrition Act of 1966; and

WHEREAS, recent operation of the federal milk pricing program largely ignores the regional character of the nation's primary fluid milk markets, including the different regional costs of production that exist for the diverse dairy farmers who supply their local markets; and

WHEREAS, this deficient operation of the federal system is increasingly causing profound distress for the dairy industry, leading to the virtual decimation of the nation's southeastern local milk supply and causing distress to those rural economies and communities of the region dependent on the dairy industry; and

WHEREAS, similar to the disturbing negative trend that has taken place in the southeastern United States, New England has experienced a loss of 75% of its dairy farms since 1980 and almost a 50% reduction in milk production in Massachusetts and Connecticut since 1995, so that Massachusetts and Connecticut are almost completely dependent on the dwindling numbers of neighboring producers for their supplies of raw milk; and

WHEREAS, the developing dependence of the southern New England states on out-of-state producers for their raw milk supplies raises a warning for other states in the region; and

WHEREAS, recognizing the broad and substantial threat to the public interest caused by the failure of the national program, the State in 2003 created a dairy stabilization subsidy for the Maine Milk Pool to ensure the continued viability of the State's dairy industry, with all its attendant benefits; and

WHEREAS, this program has largely replaced the federal program to set minimum producer prices sufficient to provide a livable wage for the State's dairy farmers and thereby ensure an adequate supply of locally produced milk for the State's citizenry for the long term, including those served by operation of supplemental nutrition programs; and

WHEREAS, the administration of this state program comes at a great expense to the State, even prior to the current profound economic distress; and

WHEREAS, given the enduring regional character of the nation's beverage milk industry, the Federal Government should not abdicate its responsibility to sustain the continued viability of dairy farming across all the regions of the United States to ensure consumers of adequate, local supplies of pure and wholesome milk, including local supplies of milk necessary for effective operation of the nation's supplemental food nutrition programs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress consider the unique success of the state program to ensure the continued viability of the State's dairy industry against the increasingly defective operation of the federal milk pricing program; and be it further

RESOLVED: That We urge and petition the United States Congress to take all action necessary to accomplish comprehensive reform of the federal milk market system, to restore that program's function of ensuring the sustainability of regional dairy farming across the United States and the ability of local dairy farmers to provide their neighbor consumers with adequate supplies of pure and wholesome milk and their further ability long term to provide the supplies of fresh milk necessary for effective operation of the nation's supplemental food nutrition programs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the United States Congress who sits as chair on the United States Senate Committee on Agriculture, Nutrition and Forestry and on the United States House of Representatives Committee on Agriculture, to the United States Secretary of Agriculture and to each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This resolution requests that Congress consider long overdue and much needed reforms to the Federal System for regulating milk pricing. It further calls attention to the program we have in Maine, the Dairy

Stabilization Program, which has been very affected in helping our farms weather tough times.

There is a crisis in the dairy industry as all of you know. Nationally, this is affecting farms big-time. By some estimates, as many as one half of the dairy farms in Vermont will go out of business during 2009—one half of the farms.

In Maine, we are doing much better, and we are doing much better because the people of Maine, and indeed the people in this chamber, have supported this industry with a very creative program that has helped maintain support without it costing consumers an extra dime in the grocery store. I won't go into the details of that program at this time. I will not go into the details of federal dairy pricing which is rather complex. But I will say that Maine provides a potential model for the nation to follow and it is critical that it happens. Maine cannot operate as an island and, although our program has been successful and will allow us to continue to weather tough times as a dairy industry, nonetheless, if there are not farms in Vermont, if there are not farms in northern New York State, if there are not farms in Pennsylvania, we will not have the infrastructure, we will not have the grain that can be brought into the Northeast economically that our farms need to be sustained and to be successful. So I first ask you to support this resolution, and, second, I thank you for your continued support for the in state programs that have meant so much for our dairy farmers. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Bowdoin College Women's Basketball Team, on its reclaiming the 2009 New England Small College Athletic Conference Championship, after a one-year respite, for its eighth conference title. We extend our congratulations to the team on this extraordinary achievement;

(HLS 220)

Presented by Representative CORNELL du HOUX of Brunswick. Cosponsored by Senator GERZOSKY of Cumberland, Representative PRIEST of Brunswick, Representative KENT of Woolwich, Representative KNIGHT of Livermore Falls, Representative MacDONALD of Boothbay.

On **OBJECTION** of Representative CORNELL DU HOUX of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is an honor and privilege today to congratulate the Bowdoin Women's Basketball and Field Hockey Teams. The basketball team started the season 3-2, but ended the season winning their next 21 of 24 games, despite many injuries. Coach Shibles has led the Polar Bears, with Assistant Coach Alison Smith, to be named the Women's Basketball Coaches Association's New England Coach of the Year. I am also honored to recognize Coach Pearson, who led the Bowdoin Women's Field Hockey Team to two consecutive national championships and four NESCAC championships, while being named National Coach of the Year. Congratulations to the teams and their players, and I look forward to many more successful seasons.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise, too, to congratulate the Bowdoin College women. I didn't know that my name would be on this, I am a Colby White Mule. But on your behalf, today I wore my Bowdoin tie, and I just want to congratulate both the basketball and the field hockey teams, as a fellow member of the NESCAC conference, good job.

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

Recognizing:

Patrick Diamond, of Scarborough, a senior at Cheverus High School, on being named one of six teenagers named by WCSH Channel 6 News as winners of the 2009 Teens Who Care Awards, recognizing outstanding volunteer service. Patrick was honored for his dedicated work to alleviate global poverty and is a four-year member of his school's Haiti Solidarity Club. We send him our appreciation for his exemplary contributions and congratulate him on his receiving this well-deserved honor;

(HLS 223)

Presented by Representative **FLAHERTY** of Scarborough. Cosponsored by Senator **BARTLETT** of Cumberland, Representative **PENDLETON** of Scarborough, Senator **BLISS** of Cumberland.

On **OBJECTION** of Representative **FLAHERTY** of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. Thank you for this opportunity to honor an incredible young man. He is a resident of Scarborough and senior at Cheverus High School and, earlier this year, was honored by WCSH 6 as a winner of the Teens Who Care Award for his incredible commitment to social justice.

Patrick is a member of the Civil Rights Club, he is Student Council Secretary, and he involved himself with Campus Ministry and that alone would be an impressive resume, but Patrick has committed himself above and beyond with his work with the Haiti Solidarity Club at Cheverus. As the *Portland Press Herald* put it, "Diamond has dedicated his four years at Cheverus to standing up for social justice, giving a voice to the voiceless and helping to alleviate global poverty. He also created an eBay store to raise money for Cheverus' sister school in Haiti."

He has used the internet and technology to help foster a greater awareness about unfair trade practices which cripple developing countries, and he even traveled to Georgia to participate in a peace demonstration at the School of the Americas. Soon Patrick will travel to the Dominican Republic for a week, where he and a group of ten students will work with disabled children at an orphanage. Mary King, who is a Cheverus theology teacher and advisor to the Haiti Solidarity Club, noted that Patrick is "never one to volunteer to do something for accolades or credit. He really seems to be passionate about this issue."

So today, although it is certainly not the reason that Patrick dedicated his time and his talents to social justice, I take great privilege in honoring his work, congratulating his successes and wishing nothing but the best for him in his future endeavors. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Eight Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-31)** on Bill "An Act To Calculate the School Year by Number of Hours" (EMERGENCY)

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

Signed:

Senator:

WESTON of Waldo

Representatives:

CASAVANT of Biddeford

WAGNER of Lewiston

LOVEJOY of Portland

NELSON of Falmouth

RICHARDSON of Carmel

McFADDEN of Dennysville

JOHNSON of Greenville

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-32)** on same Bill.

Signed:

Senators:

ALFOND of Cumberland

SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman

RANKIN of Hiram

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

FINCH of Fairfield

Came from the Senate with Report "B" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-32)**.

READ.

Representative **SUTHERLAND** of Chapman moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

On motion of Representative **PIOTTI** of Unity, **TABLED** pending the motion of Representative **SUTHERLAND** of Chapman to **ACCEPT** Report "B" **Ought to Pass as Amended** and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Establish a Process for the Determination of a Reasonable Price in the Use of Eminent Domain by the Maine Turnpike Authority"

(H.P. 293) (L.D. 386)

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro
ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-67)** on same Bill.

Signed:

Representative:

THOMAS of Ripley

READ.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 26) (L.D. 67) Bill "An Act To Protect Beaches in Maine's State Parks" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

(S.P. 151) (L.D. 407) Resolve, To Change the Uses for Funds for Conservation Programs (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**

(S.P. 263) (L.D. 688) Bill "An Act To Equalize Annuity and Structured Settlement Annuity Benefits with Life Insurance under the Maine Life and Health Insurance Guaranty Association" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-40)**

(S.P. 350) (L.D. 928) Bill "An Act To Permit the Landing of Dragged Crabs as Bycatch" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)**

(H.P. 239) (L.D. 299) Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 840) (L.D. 1215) Bill "An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 30) (L.D. 35) Bill "An Act To Require Municipalities To Enforce the Collection of the State Excise Tax on Motor Vehicles, Aircraft and Watercraft Owned by Maine Residents and

Registered outside the State" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-73)**

(H.P. 75) (L.D. 91) Bill "An Act To Fund the Maine Downtown Center" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-91)**

(H.P. 158) (L.D. 193) Bill "An Act To Amend the Laws Governing Tournament Games" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-84)**

(H.P. 198) (L.D. 252) Bill "An Act Regarding the Transfer of Nursing Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-89)**

(H.P. 280) (L.D. 373) Bill "An Act To Facilitate Lactation at the Workplace by New Mothers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-83)**

(H.P. 297) (L.D. 401) Bill "An Act Creating a Probationary Period for County Corrections Officials" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-81)**

(H.P. 311) (L.D. 423) Bill "An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-88)**

(H.P. 343) (L.D. 481) Bill "An Act To Allow the Department of Corrections To Certify Community Intervention Programs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-79)**

(H.P. 345) (L.D. 483) Bill "An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)**

(H.P. 369) (L.D. 524) Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-87)**

(H.P. 384) (L.D. 539) Bill "An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

(H.P. 404) (L.D. 566) Bill "An Act To Amend the Petroleum Market Share Act" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)**

(H.P. 542) (L.D. 793) Bill "An Act To Improve Juvenile Correctional Services" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-80)**

(H.P. 580) (L.D. 844) Bill "An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-85)**

(H.P. 688) (L.D. 1000) Bill "An Act To Amend the Provision Creating the Long-term Care Partnership Program" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-86)**

(H.P. 704) (L.D. 1029) Bill "An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-76)**

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

(H.P. 338) (L.D. 450) Bill "An Act To Clarify the Sales Tax Exemption for Commercial Agricultural Crop Production" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-74)**

On motion of Representative PIEH of Bremen, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 246) (L.D. 672) Bill "An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission"

(S.P. 31) (L.D. 82) Bill "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area" (C. "A" S-28)

(S.P. 64) (L.D. 178) Bill "An Act To Create the Support Animal Welfare Registration Plate" (C. "A" S-8)

(S.P. 89) (L.D. 266) Bill "An Act To Preserve Statewide Public Broadcasting" (C. "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) (C. "A" S-36)

(H.P. 64) (L.D. 74) Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use (C. "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" (C. "A" H-60)

(H.P. 178) (L.D. 213) Bill "An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate" (C. "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) (C. "A" H-63)

(H.P. 525) (L.D. 766) Bill "An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing" (C. "A" H-65)

(H.P. 585) (L.D. 850) Bill "An Act To Ensure Local Broadband Coverage" (C. "A" H-64)

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
Senate

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)

Senate as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

(S.P. 114) (L.D. 350)
(C. "A" S-35)

House as Amended

Bill "An Act To Reduce Misuse of Woodlands by the Public" (H.P. 370) (L.D. 525)
(C. "A" H-62)

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

ENACTORS

Emergency Measure

An Act To Clarify the Election of Municipal Charter Commission Members

(H.P. 29) (L.D. 34)
(C. "A" H-17)

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. 144 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 Further Facilitate the Provision of Educational Loans for Maine Students and Families

(S.P. 40) (L.D. 118)
(C. "A" S-19)

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

On motion of Representative SUTHERLAND of Chapman, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

The same Representative **PRESENTED House Amendment "A" (H-92)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment is a technical correction to conflicting statutory language, in order to ensure that FAME may provide federal student loans to Maine families for the upcoming academic year.

When the Legislature amended the law in '07 to permit FAME to originate student loans, this other statutory provision should have been likewise amended. It was an oversight. It is important to pass it as an Emergency Measure because FAME has to enter into agreements with the U.S. Department of Education, since some schools begin the FY'010, or their '09-'010 year, during the summer session. Thank you.

House Amendment "A" (H-92) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-19) and House Amendment**

**"A" (H-92) in NON-CONCURRENCE and sent for concurrence.
ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Make Technical Corrections to the Operating Under the Influence Laws

(S.P. 66) (L.D. 180)
(C. "A" S-24)

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. 142 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 Support Maine State Parks

(H.P. 400) (L.D. 562)
(C. "A" H-30)

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. 139 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 Amend the Charter of the Winterport Water District

(H.P. 656) (L.D. 953)

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. 144 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

Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors

(H.P. 7) (L.D. 12)
(C. "A" H-22)

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. 140 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.

Acts

An Act To Change the Coyote Night Hunting Season

(H.P. 47) (L.D. 54)
(C. "A" H-29)

An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers

(S.P. 24) (L.D. 65)
(C. "A" S-16)

An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program

(H.P. 78) (L.D. 94)
(C. "A" H-20)

An Act Regarding Assistance to Low-income Customers of Gas Utilities

(S.P. 43) (L.D. 120)
(C. "A" S-23)

An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government

(H.P. 111) (L.D. 127)
(C. "A" H-32)

An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines

(H.P. 126) (L.D. 147)
(C. "A" H-23)

An Act Relating to Autocycles

(H.P. 131) (L.D. 152)
(C. "A" H-25)

An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession

(H.P. 135) (L.D. 156)

An Act To Clarify Child Abuse and Neglect Information Disclosure

(H.P. 141) (L.D. 162)

An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location

(H.P. 149) (L.D. 184)
(C. "A" H-37)

An Act To Amend the Charter of the Caribou Utilities District

(H.P. 165) (L.D. 200)
(C. "A" H-34)

An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water

(H.P. 192) (L.D. 238)
(C. "A" H-35)

An Act Regarding Violations of Lobster Conservation Laws

(S.P. 87) (L.D. 246)
(C. "A" S-20)

An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported

(H.P. 222) (L.D. 282)
(C. "A" H-19)

An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner

(H.P. 237) (L.D. 297)
(C. "A" H-26)

An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse

(H.P. 315) (L.D. 427)

An Act To Include Trucks in the Definition of "Low-speed Vehicle"

(H.P. 324) (L.D. 436)
(C. "A" H-24)

An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle

(H.P. 325) (L.D. 437)

An Act To Clarify the Law Regarding Reinstatement of a Driver's License

(H.P. 339) (L.D. 451)
(C. "A" H-38)

An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships

(S.P. 203) (L.D. 508)

An Act To Rename Certain Unorganized Townships in Washington County

(S.P. 234) (L.D. 619)
(C. "A" S-26)

An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned

(S.P. 255) (L.D. 680)

An Act To Clarify That the Assessor and Treasurer Are Incompatible Municipal Offices

(S.P. 286) (L.D. 739)
(C. "A" S-27)

An Act To Amend the Charter of the Milo Water District

(S.P. 373) (L.D. 994)

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 Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence

(H.P. 102) (L.D. 117)
(C. "A" H-16)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County

(H.P. 337) (L.D. 449)
(C. "A" H-18)

Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge

(H.P. 579) (L.D. 843)

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

An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State

(S.P. 32) (L.D. 83)
(C. "A" S-17)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a division on **PASSAGE TO BE ENACTED**.

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

A vote of the House was taken. 106 voted in favor of the same and 31 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Elizabeth H. Mitchell in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator BARTLETT from Cumberland, it was **ORDERED**, that a committee be appointed to wait upon the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, the Campus Presidents and the Board of Trustees of the two systems to inform them that the two branches of the Legislature are in convention assembled, ready to receive such communications as pleases them.

The Order was **READ** and **PASSED**.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. Alford
The Sen. from Penobscot, Sen. Schneider
The Sen. from Waldo, Sen. Weston
The Rep. from Chapman, Rep. Sutherland
The Rep. from Biddeford, Rep. Casavant
The Rep. from Fairfield, Rep. Finch
The Rep. from Portland, Rep. Lovejoy
The Rep. from Falmouth, Rep. Nelson
The Rep. from Hiram, Rep. Rankin
The Rep. from Lewiston, Rep. Wagner
The Rep. from Greenville, Rep. Johnson
The Rep. from Dennysville, Rep. McFadden
The Rep. from Carmel, Rep. Richardson

Subsequently, Senator ALFOND from Cumberland, for the Committee reported that the Honorable John Fitzsimmons, President of the Maine Community College System, and the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, will attend forthwith.

The Chair welcomed to the Convention the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, the Campus Presidents, the Board of Trustees and the guests of the two systems.

The Chair is pleased to recognize in the House Gallery, representing the University of Maine System Board of Trustees: Ms. Marjorie Medd of Norway.

The Chair is pleased to recognize in the House Gallery, representing the University of Maine System Presidents: Dr. Allyson Hughes Handley, University of Maine at Augusta; Dr. Theo Kalikow, University of Maine at Farmington; Dr. Richard Cost, University of Maine at Fort Kent; Dr. Cynthia Huggins, University of Maine at Machias; Dr. Selma Botman, University of Southern Maine.

The Chair is pleased to recognize in the House Gallery, representing the Maine Community College System Board of Trustees: Honorable Daniel Wathen of Augusta, Chair; Kris Doody of Caribou, Vice Chair; Doris Belisle-Bonneau of Auburn; Robert Clark of Fort Fairfield; Shepard Lee of Cape Elizabeth; Merle Nelson of Falmouth; Cynthia Phinney of New Sharon; Andrea Watkins of Windsor.

The Chair is pleased to recognize in the House Gallery, representing the Maine Community College System Presidents: Dr. Scott Knapp, Central Maine Community College, Auburn; Dr.

Joyce Hedlund, Eastern Maine Community College, Bangor; Dr. Barbara Woodlee, Kennebec Valley Community College, Fairfield; Mr. Timothy Crowley, Northern Maine Community College, Presque Isle; Dr. James Ortiz, Southern Maine Community College, South Portland; William Cassidy, Washington County Community College, Calais; Dr. Charles Lyons, York County Community College, Wells.

The Chair is also pleased to recognize in the House Gallery many, many distinguished guests of the Community College System and of the University System. I will single one out, in particular, because he is much more accustomed to be standing here at this rostrum than I, the former Speaker of the Maine House of Representatives, Glenn Cummings, soon to be the Deputy Under Secretary of Education, so we expect big things. Would the other guests of the Community College and the University System, many of you who deliver hours and hours of valiant service every day of your life, would you please stand and accept the greetings of the Convention as well.

The Chair is also pleased to recognize in the House Gallery, Michele Pattenaude, wife of Chancellor Richard L. Pattenaude.

The Chair is pleased to request the Honorable John Fitzsimmons, President of the Maine Community College System, to please step forward and address the Joint Convention.

President **FITZSIMMONS**: Good morning. It is a beautiful April day. President Mitchell, Speaker Pingree, Honorable Members of the 124th Maine Legislature, Chancellor Pattenaude, Trustees, Presidents, higher education colleagues and friends: it is my honor to speak to you this morning on behalf of our Board of Trustees, our employees, and the 15,000 students we serve. Our students come to us seeking to build better lives for themselves and their families. Our faculty and staff join with them, every day, in doing all they can to make those dreams a reality.

In the 20 years I have served as president of this system, I have never been more proud to stand before you and report that—by design and hard work—our colleges are effective; they are efficient; and they are deeply relevant, to our state, our businesses, and the students we serve.

Our colleges are comprehensive two-year institutions. Our mission is to provide occupational programs tied directly to the Maine economy and to prepare students to transfer on to a four-year degree. Our effectiveness is evident in the numbers: 95 percent of our graduates are working or continuing their education, and 94 percent of our employed graduates are working right here in Maine. They are skilled workers, educated in Maine, and contributing—everyday—to the state's economy. Our colleges are also designed to increase access to higher education in a state that has a smaller percentage of college graduates than any state in New England.

Again, the numbers tell the story: In six years, our enrollment has grown by 63 percent; we have had a 69 percent increase in students coming to us directly from high school, and the number of our students transferring on to our public universities has increased 50 percent. I hope it makes you enormously proud to know that Maine's community college system is now the second fastest growing 2-year college system in the nation.

These are remarkable achievements, but they are even more impressive when you realize how efficient we have been in using

our state appropriation. Since 2001, we have added over 6,700 new students. But the state subsidy per student has dropped by almost one third. We are now serving 15,000 students on a state allocation intended for 10,500.

How have we done that? First, by the commitment and entrepreneurial skills of our employees, who every day give more than we have a right to expect. Our institutions are led by seven extremely talented presidents, who have a combined 220 years of service to higher education and 91 years as CEO's of colleges.

And although we have grown by 63 percent in recent years, our employee base has only increased by 10 percent. When I started in the system in 1990, we served 3,300 students and my office had 29 employees. Today, we enroll 15,000 students, and the system office has 19 employees. By streamlining our services and operations, we are doing much more with much less.

So, if we are running effectively and efficiently, are we relevant?

Being relevant is in our DNA. Our institutions were created at the end of World War II to serve returning veterans who needed new skills for a new economy. We added five colleges in the 1960's to help Maine workers deal with the technological revolution taking place in their workplaces. And today, as Maine's economy undergoes another dramatic change, we are again being called upon to help a new generation of Maine workers learn the skills they need to prosper in a new economy.

We take great pride in the quality of our education and our ability to connect our students to the Maine economy. Our graduates form the very bedrock of Maine's economy.

We graduate over 500 health care professionals every year. Our colleges educate Maine's nurses, occupational therapists, surgical technologists, respiratory therapists, and 26 other healthcare professions.

In tourism, the 300 students who enroll in our programs each year graduate to become prizewinning chefs, restaurant owners, hotel managers, and more.

Nationally, 80 percent of all first responders receive their education at a community college. In Maine this spring, 523 of our students are preparing to become police officers, emergency medical technicians, and fire fighters.

In manufacturing, we are the sole provider of 2-year degree programs in machine tool technology. At Mountain Machine Works in Auburn, 80 percent of the company's machinists are graduates of Central Maine Community College.

And we are relevant to Maine communities, from one end of the state to the other. A year and a half ago, I embarked on a tour of rural Maine to listen to business and community leaders on how our colleges could better serve their areas. After travelling 2,400 miles and meeting with 400 people, we launched our Rural Initiative. We raised \$6.6 million dollars—most of it private funds—to endow a \$5 million scholarship program. We are currently delivering seven health care programs in rural Maine, and we have invested in interactive television equipment to deliver more live courses to underserved regions of the state. The results? In one year, we have served 571 Maine people from 100 rural communities.

We are also relevant to Maine people, because we are affordable. Since 2000, nationally, tuition across the nation has risen 68 percent, while our tuition has increased 14 percent. Our annual tuition of \$2,500 is the lowest in Maine, and still 76 percent of our students are receiving financial aid. Our promise to our students and to you: we will always keep our tuition affordable.

Linda Allen of Trescott can tell you something about the relevancy of our institutions. Over the years, Linda has worked a

number of jobs to help support her family. Like many Maine people, especially those in rural Maine, she took what work was available. With just a high school diploma, she was never able to acquire the skills necessary for a stable career. Then her husband passed away of cancer, and she was left to support her daughter. This is how she describes her decision, at age 50, to drive 80 miles a day to get a college degree at Washington County Community College:

"Firstly, it seemed a practical choice. I looked at what was available in my area and thought that the Medical Assisting program would offer me job skills which would help me create a more secure situation for my daughter and myself. Secondly, I felt I could afford the cost of education at the community college. Lastly, I wanted to show my daughter that, even if one's life is shaken apart, one can still pick up the pieces, rebuild, and move forward *with hope and determination*. I think I also wanted to prove that to myself."

Linda is maintaining a 3.9 GPA and will graduate next May.

It's Linda—and so many others like her—who fuel our passion for the work we do and who motivate us to run the most effective, efficient, and relevant institutions possible.

Thirty-nine years ago this week, Apollo 13 blasted into space. Two days later, as it rocketed to the moon, the spaceship's two oxygen tanks exploded, creating a crisis that Commander James Lovell described in perhaps the most famous understatement of all time: "Houston, we have a problem."

Well, Augusta, **we** have a problem. Actually, we have two problems. We have an economy in free fall, forcing tens of thousands of Mainers into the ranks of the unemployed, *and* we have a profound skills gap that could leave hundreds of thousands behind in the new economy.

Every day more Maine people are out of work. Everyone in this room knows someone who has lost a job. The most recent count of the unemployed? More than 50,000, a number that does not include the thousands of discouraged workers who have given up searching for work and fallen off of our radar. From north to south, east to west, the announcements come daily:

- More than 300 workers at Domtar in Baileyville;
- 127 at Lemforder in Brewer;
- 180 at Wood Structures in Biddeford;
- 370 at RR Donnelly in Wells; and
- looming just around the corner, the closure of the Brunswick Naval Air Station and the loss of some 7,000 jobs.

How does a local economy absorb hundreds of workers with the same skills set? Without work, how are those individuals going to keep their homes and feed their families? Our social service network was not designed to handle thousands of suddenly unemployed workers. The Good Shepherd Food Bank, which supports 600 food banks across the state, is reporting a 35 percent increase in demand over last year. This recession is going to be deeper and more painful than any we have experienced in decades.

It's time we put the spotlight on Maine's unemployed and let them know they are our highest priority. The community colleges, along with the Maine Department of Labor, will organize seven regional forums this July to bring together resources from a variety of agencies to examine how we can support, re-skill, and re-employ Maine's unemployed. Our plan is to unite providers to share resources, generate ideas, and take action. I truly believe if people of goodwill come together and share their expertise and resources, good things will follow.

And in order to lead by example, the Maine Community College System will undertake two other initiatives. I am proud to announce this morning that our seven student senates are

launching **Graduation: Can Due**. They will match \$75,000 in private funds with cash or canned goods. By graduation day this May, our students will donate a total of \$150,000 in money and food to food banks across the state. It will be a graduation gift from the Class of 2009, in thanks and appreciation to the people of Maine for supporting their dreams of a college education.

Second, we need to do all we can to encourage and support our high school graduates in their efforts to get a college degree. Maine desperately needs its young people to continue their education. The unemployment rate for teenagers is the highest of any age group in Maine, over 20 percent and, still, only half of our high school graduates go immediately on to college. The best place for them—especially during this economic downturn—is in school, preparing for the future.

And so I'm pleased to announce this morning a new initiative called the **Graduation Protection Assistance program**, or **GPA**. Starting this fall, and for the next two years, we will make the following guarantee to any full-time student who is a dependent: If either of your parents loses his or her job while you are enrolled, we will cover your tuition and fees.

We want to send a clear message to the young people of this state: When you enroll in a Maine community college you join our family. And this morning, we have a message from our family to yours: We are in this together.

The economic crisis is compounded by the second major problem facing our state: the skills gap that is growing wider by the day. It has the terrible potential to turn what we hope will be a temporary, painful downturn into a permanent reality for Maine and her people.

Only one third of us in Maine hold a post-secondary degree, but at least half of the new jobs that will be created over the next decade are expected to require some level of higher education. Think of it this way: of the 186 members of this Legislature, only about 65 of you, let's say those sitting in the first three rows, would be able to compete for half of the new and most promising jobs over the next ten years.

During the economic downturn of the early 1990s, Maine lost 30,000 jobs. It took us an entire decade to get those jobs back. Because we didn't adequately invest in higher education and workforce training, industries like precision manufacturing, business technology, health care, and construction went begging for workers, and those who lacked the skills necessary to do those jobs lost out on great opportunities.

A decade later we face a similar situation. Even in this difficult economy, Maine still suffers from shortages of skilled workers. As Maine jobs become more complex, more technical, more knowledge-based, we will leave more and more Maine people behind.

This is true not only of the jobs that already exist. It is also certainly true of the jobs that will emerge in new and promising industries. I applaud Governor Baldacci and all of you for taking bold steps to strengthen our economy through strategic, long-term investments in research and development and energy independence. Those investments are critical to our future.

We in the workforce development arena are especially excited about the potential of jobs related to energy independence. Maine will need skilled workers to maintain and calibrate wind turbines and trained technicians to build, install, and operate solar energy systems. I'm very proud of Northern Maine Community College for launching New England's first wind power technology program and of Kennebec Valley Community College for developing an Energy Services and Technology program. Maine has a rare opportunity to lead the nation in energy independence, if we invest in R&D and if we invest in our workforce.

The window to the future is opening, so what are we going to do? We are ready to develop a proposal that is meant to address both the needs of the unemployed, and the skills gap. Let's take the pressure off of the economy by pulling individuals out of unemployment lines and putting them in college classrooms. Our plan is to take 1,000 unemployed Maine workers and place them in high demand programs. It would cost \$5.3 million a year, but here is what would happen.

In two years these students would enter the workforce. They would begin to generate between \$150 million and \$200 million dollars in taxable wages annually. Based on the taxes generated by those wages, the state's investment would be repaid within six years. They would have jobs, with a solid future, and we would have hundreds more skilled workers prepared to help fuel our economic recovery.

We have a national stimulus package for infrastructure: for roads, bridges, and rails. We also need a stimulus package that is focused on our intellectual infrastructure. If there is a silver lining in this bad economy it is here: in the opportunity for a large number of Maine people to upgrade their skills and emerge from a dark time with a brighter future.

Today in Maine, in every county, city, and town in this state, people are feeling the effects of a sinking national economy. Those who are unemployed were not involved in the bad decisions that caused banks to fail, the greed that drove Wall Street, or the speculative housing market. These hard working Mainers, living paycheck to paycheck, didn't get bonuses or golden parachutes on the way out. They got the boot. As an employer, I've had to lay off people. I've seen the look in their eyes. Sometimes there are tears. Always there is fear: Fear of how they are going to tell their family. Fear of how they are going to pay their bills. Fear of not knowing if they will be able to find another job in Maine.

What do they want? What they want is not complicated. They want to go to work. They want a good paying job with security so they can take care of themselves and their families. In America, work is more than a determinant of wealth, it is at the very core of how we see ourselves: our self worth, our confidence, and, equally important, our hope for being a full participant in the American dream.

In 2009, every elected official whether on the local, state, or national level needs to answer one question before all others: *What have I done today to put an American to work?*

When he laid out his vision for the promise of America, Thomas Jefferson said that we as a nation could not be complacent until two conditions were met:

- Every American has the right to equal and identical treatment under the law, and
- Every American has a right to the opportunity for modest prosperity.

Until those two conditions are met, we cannot rest.

As you continue the difficult work that confronts you, please remember President Jefferson's words.

We cannot rest while the ranks of Maine's unemployed grow.

We cannot rest while Maine incomes are the lowest in New England.

We cannot rest while any Mainer who wants to work is shut out of a job.

And we cannot rest while any Mainer, who has the talent and drive to go to college, is locked out of higher education.

Before this six-month session is over, another 10,000 Maine people will likely be unemployed, and before you return next January a total of 70,000 Mainers could be out of work. The question will remain: *What have you done to put Maine people back to work?*

We at the community colleges stand ready to do more. I encourage you to unleash the power of what Maine has so recently and proudly built: a 2-year college system that works for all of Maine: for our businesses, for our communities, for the hardworking people of this state. In a difficult economy we may be one of the most important tools you have at your disposal. This is why we exist, and we stand ready to work with you to move Maine—and her people—forward, ***with hope and determination.***

May your hard work and collective wisdom guide our great state to better times. Thank you.

The Chair would now request the Honorable Richard L. Pattenau, Chancellor of the University of Maine System, to please step forward and address the Joint Convention.

Chancellor **PATTENAUDE**: Madam President, Madam Speaker, honorable members of the 124th Maine State Legislature; President Fitzsimmons, great speech John; Trustees; Presidents; distinguished guests and friends. Thank you for the invitation to speak before you. It is a great honor.

Michele and I moved to Maine in 1991, the year I became President of the University of Southern Maine. I was born in the Pacific Northwest, and have lived in many parts of the country, but to borrow a line from President Mitchell, "Yes, it's true I was not born in Maine, but I got here as fast as I could."

I remember the first "State of the University" address I attended as USM President. It was delivered by my good friend and mentor, Chancellor Bob Woodbury, who contributed so much to the University System. I was seated up in the gallery, alongside the other University Presidents. I have to tell you, the distance between here and there is short, but the difference is far greater than I ever realized.

Being chancellor is enormously exciting and challenging. But if I had had my druthers, I would have chosen a different time to present to you the state of the University. I'd like to find that guy who said, "May you live in interesting times" and smack him upside the head right now!

It would be easiest for me to stand before you and complain about the conditions we face, and then simply implore you to solve our challenges. That would not do anyone any good—and I doubt it would be successful.

I prefer to take a more realistic approach, mindful of the fact that the past 10 months do not necessarily forecast the next five years. As I do, I'm reasonably optimistic about the future—knowing, of course, that there will be bumps in the road as we move ahead.

Our trustees, presidents, faculty and staff, and I are working with our stakeholders to craft a long-term approach to transforming our University System. It involves making difficult choices, but I'm confident that the end result will make our universities more effective, affordable, financially sound, and accountable.

I know you, too, face similar choices. Still, it is not easy. It reminds me of what someone once said about change: "Hey, change is great! You go first!" Despite the tough economic times, it is important to note that many things are going well in our public universities. We continue to serve our long-standing mission of helping Maine address the needs of its people—its businesses, industries, and entrepreneurs; its farmers, fishermen, and foresters; its homemakers, families, and educators; our civic and community organizations and associations; and our governments at every level. It's fair to say that the University of Maine System touches the people of Maine every day.

This work is performed by our universities. Our System Office has its own essential role. I firmly believe in the value and effectiveness of a university System—but only if it has strong and responsive universities; those are the heart of a great system. I have a sneaking suspicion that the Presidents would agree with that.

The University of Maine also continues to be the primary source of an educated workforce and citizenry. Last year our universities awarded over 5,600 college degrees—half of all the degrees in Maine. And the top three fields for our graduates? Education, health care, and business, reflecting our focus on the needs of our state. Let me add that the number of graduates in health care fields has increased 44 percent in the past five years.

We also awarded a record number of master's degrees—927 last year.

One student preparing to receive her master's degree this year is Michelle Morgan. Michelle's story is not unusual in Maine. She graduated from Oak Hill High School in 1997. She didn't immediately go to college; she moved away, started a family, and then decided to come back to Maine.

Michelle enrolled at USM's Lewiston-Auburn College. In 2003, she received her bachelor's degree, graduating summa cum laude. This May, Michelle will be awarded her master's degree at USM and now she has a really tough choice to make: Will she pursue her Ph.D. at Harvard or Yale? Both have offered full tuition, stipend and benefits for five years. Michelle did not take the traditional road through college, but she has worked hard, and it is paying off.

Her story is a great one. There are thousands like hers in the University of Maine System. They give us great satisfaction.

Today there are over 114,000 alumni of our universities living in Maine. They contribute to the civic and community life—and to Maine's economy and its tax base. Let me ask a show of hands here. How many of you attended one or more of our universities? Please raise your hand. That's impressive. Thank you. Our students are not the only ones who take advantage of what your universities have to offer. Each year more than a half million residents of Maine—of all ages—visit our campuses. They come for classes as well as for special lectures, seminars, and conferences, to visit the museums and archives, to attend a play, a game, or a concert. Young people arrive to participate in co-curricular programs such as music and theater camps, sports camps, and academic enrichment programs and many of Maine's older citizens participate in our Senior College.

Still others come to work with our experts. Many of you no doubt saw the news story about a group of investors with Maine ties announcing the creation of a new company, called Advanced Infrastructure Technologies, or AIT. AIT is locating in Orono and investing \$20 million to commercialize technology developed at the University of Maine's Advanced Engineered Wood Composites Center. It is the amazing "Bridge in a Backpack" process developed by Professor Habib Dagher, his colleagues and his students. It was used to build the new Neal Bridge in Pittsfield.

Now research takes place on all of our campuses, it occurs in all academic disciplines; it helps the State but also is essential to keeping our courses vital and up to date. Each year faculty and researchers receive millions of dollars of research grants and contracts. As you might suspect, given its mission, the University of Maine researchers generate the most outside funding, making it possible for them to expend an impressive \$96.1 million in FY'07 on research and development. USM expended \$34.8 million.

University-based research informs many types of public service and outreach:

- Working with hospitals, health care providers, and biomedical labs—as UMaine does
- Working with government agencies—as USM does
- Helping cultural entities—as Fort Kent and UMA do
- Working with our K-12 schools—as Farmington does—as it builds its national reputation
- Advising not-for-profit agencies and community organizations—as Presque Isle and Machias do
- Assisting families, small businesses, and industries—as all of our universities do

The examples go into thousands. These are just some of the reasons I am energized about our universities. But as I noted earlier, my optimism must be tempered by the current economic realities. The University System has experienced the same challenges that you, as policy makers and as everyday citizens, are facing—rising costs, dramatic declines in the value of assets, falling revenues, and few attractive options for new revenues.

In addition, our concerns are compounded by other factors—aging facilities; changing demographics, particularly the drop in high school students graduating.

For us, these forces have created a substantial long-term financial gap. We've calculated it at \$42.8 million—the amount we need to cut from our budget or find in new revenues over the next four fiscal years to cover our basic anticipated expenses. By any measure, that's a lot of money.

But it's even more daunting considering what we have done over the past two years. The budget the Board of Trustees approved last May reduced planned spending by \$19.1 million. Since then, we have made additional cuts and operational changes. By the end of this fiscal year, we will have reduced the cost of our operation by \$34.2 million. More than 150 positions have been or will be eliminated during this fiscal year. I regret to say more will occur over the next year and beyond. But that's the reality we face. That's the reality you face.

I don't like this trend. But there's no responsible way around it: transformative change of our University System absolutely must occur in order to fulfill our mission.

"New Challenges, New Directions," is the name of the planning document the Presidents and I developed—and our Trustees endorsed—to guide us toward financial sustainability. This work is framed by three overarching goals:

1. To continue serving the educational, cultural, and economic needs of our people and our state;
2. To keep the cost of baccalaureate and graduate education affordable for our students and their families ; and
3. To implement efficiencies and organizational changes, economies of scale to bring spending in line with available resources.

We have no choice but to engage this challenge head-on—and have little time to do so. Many of the major decisions about structure and operations must be adopted by the start of the fall semester. You know, some have suggested that universities change with the speed of a runaway glacier. Given the work to be done, that's no longer acceptable for us.

A key part of this transformative effort involves a 12-person task force, charged with making recommendations about the size and nature of the System's governance and operation, headed by David Flanagan, the former CEO of Central Maine Power and former chair of our Board. We appreciate his time and commitment.

Supported by private funds from the Davis Educational Foundation, the task force has held 18 public hearings, received testimony from 228 individuals so far, and met with some of the nation's top experts on higher education.

The task force will, in June, present its report to me and the Presidents. This report will present strategic options, and will be considered as part of the larger, across-the-board financial sustainability plan which we will present to the Board of Trustees in July. I will, of course, share it with you and the Governor, as well, as we proceed.

Given the importance of the University System to the state's economic health and well-being, this is an essential action. I'm sure you understand because you are facing similar significant challenges. Indeed, these challenges are related.

The greater Maine's educational attainment levels, the stronger Maine's economy. You've heard that before from the Maine Compact for Higher Education; from the Maine Development Foundation; from our Governor; from your own leadership; and from other experts, including, of course, the ubiquitous Charlie Colgan.

We're all familiar with the statistics. The average graduate of a four-year university or college earns 43 percent more per year than a person without a college degree, and with a master's degree, twice as much. It's the old adage, "The more you learn, the more you earn." Having that degree is good for individuals, it's good for families, it's good for Maine.

Consider the benefits to society, also. Individuals with a post-secondary education are less likely to be unemployed; less likely to be dependent on public assistance; less likely to be involved in criminal activity; more likely to be involved in civic and community life; and more likely to give to charitable causes.

And of course, there are broad economic impacts. Businesses, investors seek out areas where college-educated work forces can be found. North Carolina's research triangle; Massachusetts's route 128 corridor, and California's Silicon Valley are the classic examples.

I am pleased to report that we are beginning to experience that here in Maine, north and south, east and west. Our universities, hospitals, and not-for-profit research institutions attract hundreds of millions of dollars a year in outside research investment; it has become one of the state's fastest growing industries. Your support has contributed to that development.

An example of this is the Maine Economic Improvement Fund, MEIF, created in 1997. Last year alone, UMaine and USM turned \$13.8 million from that fund into \$65 million in R&D investments. Those funds supported full-time equivalent of 597 jobs, right here in Maine. MEIF is truly a Maine success story—an example of public/private/university partnerships.

Also, a result of this effort, the University of Maine is now listed amongst the nation's Top 100 public research universities.

Economic growth depends on many elements and resources, but there is ample evidence that higher education, whether it is two year or four year, is the most critical variable. When making this point, I often think of Kent Peterson, CEO of Fluid Imaging Technologies of Yarmouth, one of Maine's steadily growing number of high-tech companies, and he has worked for the university for many years. In 2008, *MaineBiz* named Kent its "Small Business Leader of the Year." Kent was asked what Maine could do to improve its economy. His answer was short and simple: "Invest in higher education and the rest will follow."

But I think we may have reached the tipping point—the point at which Maine has to decide whether it is willing and able to continue its commitment to higher education. An array of efforts has been made to find the right keys for growing our economy—tax increment financing, the BETR program, Pine Tree Zones, just to name a few—and these are very important purposes and strategies for protecting and growing Maine's employment and tax base.

But I believe nothing will do more to improve Maine's economy than to invest in our citizens by making sure that our public universities, our community colleges, with whom we partner and work together, the maritime academy can offer affordable, high quality education; that they have the faculty and equipment needed; and that our institutions are part of a larger state economic growth strategy.

We face unprecedented challenges. We view the work ahead as an opportunity to make transformative changes. Of course, we will need your help and your support. The University of Maine System and the Legislature have a time-honored and valuable partnership serving the people of Maine. I deeply appreciate your efforts and the Governor's to maintain funding for our public universities. For example, the current budget proposal includes no reduction in MEIF. That's enormously important.

But it is our concern for our operating budget that is at the center. It is the key to our ability to sustain access, affordability, quality on a statewide budget. That's why "New Challenges, New Directions" is so essential to our future.

It is our promise that we are doing our part. We are committed to controlling tuition increases; we must not balance our budgets on the backs of our students. We've made hard decisions, reduced operating costs, pared back programs, eliminated positions, and embarked on a broad-based effort to do more.

More tough decisions are coming. Some of those decisions will be noisy; you will hear from your constituents about some of these. And people will question the reasons, the processes or the wisdom behind them. We ask for your patience and understanding as we proceed toward our objectives—sustainability, affordability, and quality. Please be confident that no decisions are being made casually or callously. The Trustees, the Presidents, our wonderful faculty and staff, and I are deeply committed to serving the people of Maine, and making sure we are focused on our universities' core missions—education, research, and public service.

Simply stated, we must be absolutely sure to put our money on our mission. That means we must step back from ancillary activities that are good things but not at the heart of what we do. It reminds me of an observation made by Peter Drucker, often considered the father of modern management. Drucker said that an organization must know not only what it wants to do, but also what it can no longer do. Otherwise, it will, as he says, "squander its best resources on things it should no longer do." Those are important words and advice for all of us.

Together, we must provide the people of our state with the knowledge, capacities, and skills to craft better lives and a better economy.

Together, we must invest in strategies that increase the educational attainment levels of Maine residents.

Together, we must make the commitments necessary to fulfill the role entrusted to us by Maine citizens.

I firmly believe that two years from now, when I address you for the next biennial "State of the University" address, I will describe a University System that has increased its value to Maine. That University System will be even more focused, even more efficient, and even more resourceful than now. We will do our part.

But, the educational and economic interests of Maine can only be advanced through partnership. Maine's universities and community colleges cannot do this without you. I recall a commencement speech given years ago by Dr. Benjamin Hooks, in which he spoke to the value and imperative of such partnerships in difficult times. He said, "The water is wide. I cannot step it alone."

Speaking for your public universities, we cannot take the necessary steps to greater quality, affordability, and financial sustainability without your help and support. Your universities need our continuing partnership in the difficult days ahead. Thank you.

President Fitzsimmons and Chancellor Pattenaude withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

An Act To Ensure Fair Pay

(S.P. 33) (L.D. 84)
(C. "A" S-18)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. LD 84, I am very proud of the Labor Committee for having a unanimous report. What started out as a very contentious bill turned into a unanimous report that had strong support from both Labor and the Maine Chamber of Commerce. The bill protects employees who discuss wages, in order to determine whether an employer is discriminating in violation of the Equal Pay Provision in Title 26. Now the amended version to the bill clarifies that an employer may neither prohibit the inquiring nor disclosure of an employee's wages for the purpose of enforcing the Equal Pay statute. It also states that there is no obligation to disclose. Once again, this is a unanimous report from the Committee of Labor, and it is supported by all labor groups of the state and the Maine Chamber of Commerce. Thank you, Madam Speaker.

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

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

ROLL CALL NO. 21

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Dill, Goode, Greeley, Langley, McCabe, Millett, Rosen.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways

(S.P. 112) (L.D. 348)
(C. "A" S-21)

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

On motion of Representative PIOTTI of Unity, was **SET ASIDE**.

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

Resolve, To Evaluate Climate Change Adaptation Options for the State

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

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 22

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Gilbert, Giles, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt,

Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, 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, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson W, Robinson, Sarty, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Carey, Celli, Dill, Goode, Greeley, Langley, McCabe, Millett, Pratt, Rosen.

Yes, 96; No, 45; Absent, 10; Excused, 0.

96 having voted in the affirmative and 45 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(H.P. 481) (L.D. 698) Bill "An Act To Allow School Budget Validation Referenda To Be Held on a Saturday" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 593) (L.D. 862) Bill "An Act To Improve the Health of Maine Citizens and Safety of Pedestrians" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 508) (L.D. 749) Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-95)**

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

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

On motion of Representative SIROIS of Turner, the House adjourned at 12:18 p.m., until 10:00 a.m., Wednesday, April 15, 2009.