

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 3, 2008 – May 27, 2009

Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
 FIRST REGULAR SESSION  
 30th Legislative Day  
 Thursday, April 16, 2009

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

Prayer by Reverend Diane Bennekamper, Congregational Church in Cumberland United Church of Christ.

National Anthem by James Bean 5th Grade Chorus, Sidney and Oakland.

Pledge of Allegiance.

Doctor of the day, James Krainin, M.D., Naples.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 173)

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

April 16, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

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

Agriculture, Conservation and Forestry

L.D. 247 Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses (EMERGENCY)

L.D. 893 Resolve, To Promote the Use of Alternative Fiber

L.D. 988 An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal

Business, Research and Economic Development

L.D. 519 An Act To Expand the Diagnostic Function of Denturists

L.D. 937 An Act To License Septic System Installers

L.D. 158 An Act To Allow an Alternative Organizational Structure To Act as a Fiscal Agent for Each Member or Municipality in That Alternative Organizational Structure

L.D. 159 An Act To Provide an Administrative Structure for a School Administrative Unit That Does Not Join a Regional School Unit or an Alternative Organizational Structure

L.D. 174 An Act Regarding School Consolidation (EMERGENCY)

L.D. 189 An Act To Exempt School Union No. 60 from the Laws Requiring School Administrative Unit Consolidation (EMERGENCY)

L.D. 248 An Act To Transfer Authority for School Food Service Programs to the Department of Agriculture, Food and Rural Resources

L.D. 475 An Act Regarding the Reorganization of Regional School Units and Allowing a

- L.D. 571 Municipality To Opt Out of an Existing School Structure
- L.D. 750 An Act To Protect College Students from Predatory Marketing and Lending Practices
- L.D. 778 An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets
- L.D. 1287 An Act To Exempt Certain Isolated Rural Communities from the Minimum Student Enrollment Requirements in the Laws Governing the Reorganization of School Administrative Units (EMERGENCY)
- L.D. 1319 An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets (EMERGENCY)
- L.D. 817 An Act To Provide Collective Bargaining Protections for Alternative Organizational Structure Employees
- L.D. 864 An Act Concerning Teacher Salaries
- L.D. 933 An Act To Provide for the Certification of Teachers in a Critical Teacher Shortage Area
- L.D. 600 An Act To Prohibit Cyberbullying
- L.D. 854 Health and Human Services
- L.D. 941 Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids
- L.D. 1024 Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure
- L.D. 1057 Resolve, To Assist Families with Substance Abuse Issues
- L.D. 1086 Resolve, To Establish the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System (EMERGENCY)
- L.D. 1153 An Act To Require Hospitals To Make Publicly Available the Cost of Medical Procedures
- L.D. 1153 An Act To Require the Department of Health and Human Services To Implement an Oral Health Capitated Care System for Children Covered by MaineCare and the Children's Health Insurance Program
- L.D. 1153 An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under Certain Circumstances
- Inland Fisheries and Wildlife
- L.D. 164 An Act To Save Lives on Maine Waters
- L.D. 402 An Act To Maintain and Improve ATV Trail Access
- L.D. 720 An Act To Permit the Commercial Harvesting of Illegal and Nuisance Fish Species
- L.D. 930 Resolve, To Complete an All-terrain Vehicle Trail through Pittston Farm
- L.D. 719 An Act To Allow Nonresidents under 14 Years of Age To Fish without a License
- L.D. 800 Resolve, To Establish a Landlocked Salmon Enhancement Pilot Project
- L.D. 927 An Act To Establish and Enhance Populations of Large Landlocked Salmon in Certain Inland Waters

Insurance and Financial Services  
 L.D. 255 An Act To Allow Persons Licensed for the Practice of Manicuring To Provide Treatment for Diabetics

Judiciary  
 L.D. 487 An Act To Increase Judicial Salaries (EMERGENCY)  
 L.D. 491 An Act To Reform Maine's Judicial System

Labor  
 L.D. 617 An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners

Legal and Veterans Affairs  
 L.D. 512 An Act to Facilitate Voting by Maine Residents in the Military Who Are Deployed Overseas  
 L.D. 772 An Act To Increase Eligibility Requirements under the Maine Clean Election Act  
 L.D. 805 An Act To Change Current Limits on Commercial Harness Racing Tracks  
 L.D. 1189 An Act To Simplify and Improve the Maine Clean Election Laws  
 L.D. 1249 An Act To Raise the Campaign Contribution Limit  
 L.D. 1250 An Act To Amend the Maine Clean Election Act Relating to Seed Money

Natural Resources  
 L.D. 1017 Resolve, To Improve Recycling in Maine

State and Local Government  
 L.D. 434 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature

Taxation  
 L.D. 72 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry  
 L.D. 342 An Act To Exempt Annuities from Taxation  
 L.D. 406 An Act To Allow a Retailer To Offer To Pay Sales Tax on Items and Services Sold by That Retailer  
 L.D. 1033 An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators  
 L.D. 1082 An Act To Create an Income Tax Credit for Certain Renewable Energy Systems  
 L.D. 360 An Act To Notify a Lienholder before Property Is Withdrawn from Assessment under the Maine Tree Growth Tax Law  
 L.D. 553 An Act To Amend the Laws Governing Abatement of Property Taxes Due to Infirmity or Poverty  
 L.D. 769 An Act To Amend the Laws Governing Income Tax To Allow an Age-based Write-off of Capital Losses

Transportation  
 L.D. 435 Resolve, Directing the Department of Transportation To Install a Traffic Light at an Intersection in Sabattus  
 L.D. 873 An Act To Improve Wheelchair-dependent Parking Access  
 L.D. 343 An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs  
 L.D. 485 An Act To Allow Public-private Investment in Transportation Infrastructure Projects  
 L.D. 542 An Act Pertaining to the TransCap Trust Fund in the Maine Municipal Bond Bank  
 L.D. 707 An Act To Settle a Dispute between Andrea LaPointe and Michael Barden and the State

The sponsors and cosponsors have been notified of the Committee's action.

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

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

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The Following Communication: (H.C. 174)

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

April 16, 2009

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

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the Committee on Business, Research and Economic Development has approved the request by the bill sponsor Sen. Alford of Cumberland, to report the following "Leave to Withdraw":

L.D. 1196 An Act To Ensure Royalties to Visual Artists  
 Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the resolve sponsor Rep. Perry of Calais, to report the following "Leave to Withdraw":

L.D. 1229 Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services

Pursuant to Joint Rule 310, the Committee on Insurance and Financial Services has approved the request by the bill sponsor Rep. Piotti of Unity, to report the following "Leave to Withdraw":

L.D. 1366 An Act To Increase Access to Health Care by Providing Insurance Coverage for Telemedicine

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

L.D. 987 An Act To Clarify the Definition of "Employee" in the Employment Security Law

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

L.D. 1065 An Act To Change the Campaign Finance Laws Pertaining to Campaign Contributions To Allow for Increases Indexed to Inflation

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

L.D. 983 An Act To Reduce the Risk of Hypothermia in Residential Rental Units (EMERGENCY)

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

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-62)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Availability of Supplemental Educational Loans" (EMERGENCY)

(S.P. 325) (L.D. 856)

TABLED - April 15, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-62) was READ by the Clerk and ADOPTED**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative SUTHERLAND of Chapman **PRESENTED House Amendment "A" (H-115)**, which was **READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED As Amended by Committee Amendment "A" (S-62) and House Amendment "A" (H-115) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ORDERS**

On motion of Representative HINCK of Portland, the following Joint Resolution: (H.P. 1017) (Cosponsored by President MITCHELL of Kennebec and Representatives: BECK of Waterville, BERRY of Bowdoinham, COHEN of Portland, DILL of Cape Elizabeth, FLETCHER of Winslow, Speaker PINGREE of North Haven, TARDY of Newport, TRINWARD of Waterville, WAGNER of Lewiston, Senators: ALFOND of Cumberland, BOWMAN of York, GERZOFKY of Cumberland, HOBBS of York, MILLS of Somerset, RAYE of Washington, SHERMAN of Arostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION COMMENDING PRESIDENT BARACK H. OBAMA ON HIS SELECTION OF THE HONORABLE GEORGE J. MITCHELL AS MIDDLE EAST ENVOY AND URGING A JUST RESOLUTION OF THE ISRAELI-PALESTINIAN CONFLICT**

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 President of the United States as follows:

WHEREAS, a durable peace and true and lasting security for both Israelis and Palestinians lie in resolution of their destructive conflict and reconciliation; and

WHEREAS, the prolongation of destructive conflict between Israelis and Palestinians would inevitably result in more tragedy for all those involved, especially for young and innocent victims; and

WHEREAS, many authorities, including the 9/11 Commission and the Iraq Study Group, have concluded that achievement of a just and lasting peace in the Middle East is in the vital interest of both societies now caught up in the conflict, as well as in the

interest of the people of the broader Middle East and the United States and other nations; and

WHEREAS, it is widely recognized that the good offices of the United States Government are crucial to the achievement of any just and equitable resolution of Israeli and Palestinian conflict; and

WHEREAS, the Honorable George J. Mitchell has previously demonstrated that he is exceptionally qualified to bring parties in conflict together to facilitate negotiations to achieve a just resolution; and

WHEREAS, it is appropriate for the people of the State of Maine to join in support of this important international effort; 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, commend President Barack H. Obama on his selection of the Honorable George J. Mitchell as United States Special Envoy to the Middle East, and we send our appreciation to Senator Mitchell for his willingness to accept this important and challenging assignment; and be it further

RESOLVED: That We respectfully urge and petition President Barack H. Obama, Secretary of State Hillary R. Clinton, Senator George J. Mitchell and their colleagues to do all they can to move Israelis and Palestinians toward reconciliation and a just peace acceptable to all and we call upon the Members of the Maine Congressional Delegation to give all possible support to the efforts of the executive branch of the United States to work for peace in the Middle East; 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, Secretary of State Hillary R. Clinton, Senator George J. Mitchell and to each Member of the Maine Congressional Delegation.

**READ.**

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

Representative HINCK: Thank you, Madam Speaker. I think it is appropriate that we don't spend time in our busy work day to read every word of this Joint Resolution. I encourage members to take a look at it. As a general rule, the business of the House of Representatives in the State of Maine is the business of the citizens of Maine, our constituents. We have a full agenda of that business, and I only carefully take time to look beyond these shores. In this instance, it is particularly because of the important roll that a Mainer—a neighbor of some of us, a friend of many of us, and a former member—is playing in an important international conflict and that is the subject of this resolution. We are commending the President for appointing the Honorable George Mitchell to head up the efforts of the Administration in working on the issue of peace in the Middle East.

The key lines in this resolution are commending the President and encouraging the peace process so that it will produce a durable piece and true and lasting security for both Israelis and Palestinians. We are fortunate here that despite our differences, despite the diversity of people in these shores, that we have, generally, systems of government and peaceful negotiation and cooperation that allows us to make progress without conflict. Others are not so fortunate. At this time, we are seeing someone from this State of Maine, who has a track record, as an envoy to go to the Middle East and do what he can to help this situation.

Also in the resolution, it points out that George J. Mitchell has previously demonstrated that he is exceptionally qualified to bring parties in conflict together to facilitate negotiations to achieve a just resolution, and it is that that led him to being designated for

this important role. I think the State of Maine should take pride in sending off Senator Mitchell, and obviously we wish him our best and hope that we can see progress in that part of the world, which will be a benefit to all of us, including those of us who live in the State of Maine. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Madam Speaker, I want to add my voice to what the Representative from Portland has said and state that if there is any hope for peace in the Middle East, we want to reinforce President Obama's choice and say let George do it. Thank you.

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

On motion of Representative TUTTLE of Sanford, the following Joint Resolution: (H.P. 1018) (Cosponsored by Senator JACKSON of Aroostook and Representatives: BLODGETT of Augusta, DRISCOLL of Westbrook, GILBERT of Jay, KNIGHT of Livermore Falls, Speaker PINGREE of North Haven, PIOTTI of Unity, RUSSELL of Portland, Senator: President MITCHELL of Kennebec)

**JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS BY THE STATE OF MAINE**

WHEREAS, the recent economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult economic environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, the United States Congress and President Barack H. Obama have passed a taxpayer-sponsored economic recovery package, known as the American Recovery and Reinvestment Act of 2009; and

WHEREAS, this recovery package will provide billions of dollars to help economically devastated cities and states and immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and to restore the economic vitality of all our communities; and

WHEREAS, any economic recovery plan spending should include a commitment from the recipients of the spending plan funds in the State of Maine to comply with the requirements in the economic recovery package for buying materials, goods and services that are produced by companies within the United States; 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, will work to further the goals of the American Relief and Recovery Act of 2009 and to maximize the creation of American jobs and to restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and be it further

RESOLVED: That We, representing the people of the State, commit to purchasing with any economic recovery money provided to the State of Maine by the American taxpayers only products made and services provided in the United States, pursuant to the applicable requirements of the American Relief and Recovery Act of 2009.

**READ.**

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. This resolution had been requested by the late Bruce Roy of Jay. He had asked that this Joint Resolution be presented. As we all know, he was a great labor advocate who passed away last week. It says that the recent economic downturn is having a critical impact on every American, who are struggling to maintain and find jobs in an increasingly difficult economic time and environment. It says that our taxpayer dollars should be spent to maximize the creation of American jobs and to restore the economic vitality of all our communities. It says the State of Maine should have a commitment for buying materials, goods, and services that are produced by companies within Maine and the United States. Thank you, Madam Speaker.

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

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 22)

ORDERED, that Representative Jane E. Eberle of South Portland be excused March 31 and April 2, 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED that Representative Patrick S. A. Flood of Winthrop be excused April 7, 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dawn Hill of York be excused April 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused April 7, 8 and 9 for health reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Chef Brian Langley, of Ellsworth, who is the recipient of the 2009 Maine Restaurant Association's Restaurateur of the Year Award. This prestigious award recognizes Chef Langley's standard of excellence and his commitment to the restaurant industry. The Union River Lobster Pot, located in Ellsworth, prides itself on extraordinary customer service. Chef Langley taught culinary arts for 30 years to Hancock County high school students and is recognized in the community as a mentor and leader. We thank Chef Langley for his commitment to the local economy and congratulate him on his receiving this award;

(HLS 240)

Presented by Representative TARDY of Newport. Cosponsored by Senator RAYE of Washington, Senator COURTNEY of York, Senator DAMON of Hancock, Representative CURTIS of Madison.

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

**READ.**

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you, Madam Speaker, members of the House. I just rise to just point out that one of the best parts of legislative service is getting to serve with colleagues from both sides of this aisle, who have impressive talents, impressive achievements, and impressive contributions in their

communities and to this state. One of our colleagues, the good Representative from Ellsworth, is recognized in this sentiment. I would just say that later on in session when we caucus for dinner caucuses, we are going to hold him to a high standard, but would just like to take this moment to say congratulations to a fellow colleague.

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

**Recognizing:**

Jerry and Jane Brackett, of Starks, for more than 30 years of dedicated service to the Town of Starks. Mr. Brackett was involved as a rehabilitation technician for the Community Development Block Grant, served on the appeals board and as the fire chief. Mrs. Brackett founded the Starks Food Cupboard, served as the Salvation Army Representative for 9 towns, served on the Planning Board, the Board of Assessors and the Board of Selectmen and was Town Clerk and an election worker. She also was a member of the Progressive Club, which provided a safety net for people in difficult circumstances. People like Mr. and Mrs. Brackett are what make Maine small towns neighborly communities. We extend our appreciation to Mr. and Mrs. Brackett for their commitment to the citizens of the State;

(HLS 242)

Presented by Representative GILBERT of Jay.  
Cosponsored by Senator MILLS of Somerset.

On **OBJECTION** of Representative GILBERT of Jay, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

**Recognizing:**

the Gold Medal winners of the 2009 SkillsUSA Maine Championship competition, held on March 13, 2009 in Bangor. SkillsUSA is one of eight nationwide career and technical education student organizations. Each March, more than 450 technical education students meet to compete in their respective areas of study. The Gold Medal winners will represent Maine at the national competition in Kansas City in June, 2009. We congratulate the 2009 Maine Gold Medal Winners on their achievements and send them our best wishes on their future events;

(HLS 243)

Presented by Representative LANGLEY of Ellsworth.  
Cosponsored by Senator RAYE of Washington.

On **OBJECTION** of Representative LANGLEY of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Langley.

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is a great pleasure. I rise on behalf of this body and the other body to recognize the future workforce of Maine. These students, wearing red blazers and gold medals, representing every district in Maine, will be our future taxpayers, not our tax takers. The students and advisors that are here today are just a small sampling of the 147 member team that will represent our fine state. These are our gold collar workers. They represent all of the traditional trades, such as health care and automotive repair, as well as cutting edge technologies, such as robotics and photonics. They will lead us through the green revolution.

These young men and women, through hard work, participation in SkillsUSA and dedication to their trades, have

risen to the top. They have competed locally in their CTE schools and then at the state level. Some of the competitions are four hours long and have as many as 20 competitors. To achieve a gold medal is no easy task. They now will represent the great State of Maine in Kansas City in June. Please join me in wishing them well in Kansas City. Thank you very much.

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

**Recognizing:**

Wellington "Welly" Ramsey, of New Sharon, who has been named the *Morning Sentinel* Boys Nordic Skier of the Year for the third consecutive year. Welly won the TD Banknorth Eastern High School 5.2 kilometer freestyle race. He competed against high school skiers from Maine, Vermont, New Hampshire, Massachusetts and New York. We extend our congratulations to Welly on this tremendous achievement and wish him continued success at the Maine Winter Sports Center in Presque Isle;

(HLS 245)

Presented by Representative GILBERT of Jay.  
Cosponsored by Senator GOOLEY of Franklin, Representative SAVIELLO of Wilton, Representative HARVELL of Farmington, Representative JONES of Mount Vernon, Representative PETERSON of Rumford.

On **OBJECTION** of Representative GILBERT of Jay, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Promote Clean Waters in the State"

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

Signed:

Senators:

GOODALL of Sagadahoc  
SIMPSON of Androscoggin  
SMITH of Piscataquis

Representatives:

HAMPER of Oxford  
KNAPP of Gorham  
MARTIN of Eagle Lake  
EBERLE of South Portland  
DUCHESNE of Hudson  
EDGEComb of Caribou  
WALSH INNES of Yarmouth  
AYOTTE of Caswell  
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)** on same Bill.

Signed:

Representative:

BOLDUC of Auburn

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

Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative **BOLDUC**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The view looking south toward New Auburn, on the Lown Peace Bridge, is dominated by the widening, mighty Androscoggin River, as it departs the twin cities and heads to the sea. It is hard to believe that this massive, ever flowing body of water was once a virtual open sewer. For those of us in my generation, the canoe races and bald eagles hunting for large bass or the sea ducks diving for shellfish just below the bridge are a far cry from the foamy, debris-ridden river of just a generation ago. The river has indeed come a far way, but more needs to be done. Representing the district in Auburn, which runs the length of the river, I was proud to campaign door to door last year on a platform which took a militant stand on river discharge and was pleased with my appointment to the Natural Resources Committee, where I could keep a very close eye on river legislation.

There are three culprits responsible for preventing the entire river from entering the next stage of river quality Class B. The first are the municipal street sewer discharges during heavy rain events. I am pleased to report that the President's stimulus package will include funding to assist Lewiston-Auburn and other communities in their ongoing efforts to end river discharge by 2014. The second culprit is, of course, the paper companies, responsible for 80 percent of the discharges in the river annually. They dump 10,000 pounds of waste into the river daily and have the resources to tie up any kind of immediate reform in the courts, apparently, indefinitely. Finally, the dams along the river, which destroy ancient fish spawning grounds and prevent the necessary oxygen flows for the river to support the life nature has given her.

Living on the river in New Auburn and utilizing this wonderful natural resource, I advocate for a Class A river and envision a day when the twin cities possess a reputation for excellent salmon fishing at the Great Falls during the spring runoff. The obstacles to this vision are less about money, timing and profiting, issues which led to the pollution in the first place, but more about the condition of man. As an average human lifespan goes, we occupy this world for a brief moment, yet we arrogantly carry on as if our immediate economic needs take precedent over the help of a massive and ancient ecosystem, such as the 178 mile long "Mighty A".

Long after all of us leave this world today, the river will still be flowing through our communities, just as it did long before the Europeans arrived in this continent and the natives utilized it as a major transportation, agricultural and fishing hub. I, for one, would like to leave this world knowing I did all I could to return this river back to nature. On this issue, I will not budge and I will not compromise and, like the Androscoggin does, despite the dams, I will stay the course. Thank you, Madam Speaker.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. About the Androscoggin, there is a tremendous history about it. The Clean Water Act of the United States is a result of the Androscoggin, because Governor Muskie was brought up in Rumford, and when he was a kid and I was a kid in Rumford, he's a lot older than I was, we used to think two feet of foam with yellow on top of it was clean water. He passed the Clean Water Act in 1954, when the Androscoggin, at that time, was the fifth most polluted river in the United States. They used to drop chemicals directly into it. It is unbelievable where the Androscoggin starts, up in the Azischohos Lake, up in the Western Mountains, it goes down into

Magalloway and down into Errol, New Hampshire and that's when it starts getting dirty. Thank you very much.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

#### ROLL CALL NO. 26

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cotta, Crafts, Cray, Crockett P, Curtis, Davis, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hogan, Hunt, Innes Walsh, Jones, Joy, Knight, Kruger, Langley, Lewin, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Sanborn, Sarty, Saviello, Shaw, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Wagner J, Watson, Weaver, Webster, Welsh, Wheeler, Madam Speaker.

NAY - Adams, Bolduc, Connor, Crockett J, Dostie, Flaherty, Harlow, Hinck, Kaenrath, Lajoie, Legg, MacDonald, Millett, Pieh, Rotundo, Schatz, Sirois, Sykes, Van Wie, Wagner R, Wright.

ABSENT - Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Thibodeau, Willette.

Yes, 118; No, 21; Absent, 12; Excused, 0.

118 having voted in the affirmative and 21 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow a Senior Hunter To Take an Antlerless Deer in Any Zone Designated by the Department of Inland Fisheries and Wildlife"

(H.P. 441) (L.D. 627)

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

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

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



Signed:  
 Representatives:  
     SAVIELLO of Wilton  
     DAVIS of Sangerville

**READ.**

On motion of Representative CLARK of Millinocket, 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. 480) (L.D. 1334) Bill "An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 132) (L.D. 390) Bill "An Act To Clarify Guaranteed Fund Protection for Deferred Compensation Accounts" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)**

(S.P. 142) (L.D. 400) Bill "An Act To Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 179) (L.D. 476) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 226) (L.D. 611) Bill "An Act To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

(S.P. 231) (L.D. 616) Bill "An Act To Strengthen the Board of the Maine Insurance Guaranty Association" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(S.P. 331) (L.D. 883) Bill "An Act To Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)**

(S.P. 378) (L.D. 1014) Bill "An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-54)**

(H.P. 796) (L.D. 1152) Bill "An Act To Amend the Laws Governing Certain Reports and Reviews Related to Utilities and Energy and Certain Positions at the Public Utilities Commission" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 43) (L.D. 50) Bill "An Act To Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)**

(H.P. 228) (L.D. 288) Bill "An Act To Expand Super Pack License Opportunities" Committee on **INLAND FISHERIES AND**

**WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)**

(H.P. 356) (L.D. 511) Bill "An Act To Support District Attorney Check Diversion Programs" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

(H.P. 399) (L.D. 561) Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)**

(H.P. 403) (L.D. 565) Bill "An Act To Define 'Edentulous Arch' in the Laws Governing Denturists" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-108)**

(H.P. 444) (L.D. 630) Bill "An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)**

(H.P. 445) (L.D. 631) Bill "An Act To Amend the Laws Relating to the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 164) (L.D. 461) Bill "An Act To Adopt Amendments to the Uniform Interstate Family Support Act"

(S.P. 390) (L.D. 1026) Bill "An Act Concerning Mercury-added Button Cell Batteries"

(S.P. 25) (L.D. 66) Bill "An Act To Amend Maine's Endangered and Threatened Species List by Removing the Bald Eagle" (C. "A" S-44)

(S.P. 51) (L.D. 132) Bill "An Act To Clarify Hunting, Fishing and Trapping Laws for Youth" (C. "A" S-46)

(S.P. 93) (L.D. 276) Bill "An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund" (EMERGENCY) (C. "A" S-42)

(H.P. 418) (L.D. 580) Bill "An Act Concerning the Automatic Dissolution of Certain Marriages" (EMERGENCY)

(H.P. 486) (L.D. 703) Bill "An Act Regarding Claims for Civil Perjury"

(H.P. 635) (L.D. 917) Bill "An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions"

(H.P. 377) (L.D. 532) Bill "An Act To Clarify Allowable Practices Concerning Maine Farm Wineries" (C. "A" H-96)

(H.P. 498) (L.D. 715) Bill "An Act To Enable the Use of Credit Cards for Governmental Transactions" (C. "A" H-100)

(H.P. 505) (L.D. 722) Bill "An Act To Manage Risks Associated with Surface Uses on Public Water Supplies" (C. "A" H-99)

(H.P. 530) (L.D. 779) Bill "An Act To Require Closed-captioning for Certain Political Advertisements" (C. "A" H-97)

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

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**BILLS IN THE SECOND READING**  
**Senate as Amended**

Bill "An Act To Extend the Season for Training Hunting Dogs"  
(S.P. 57) (L.D. 171)  
(C. "A" S-22)

**House**

Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 68) (L.D. 78)

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

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Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

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

(C. "A" H-49)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative SUTHERLAND of Chapman, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-114)**, which was **READ** by the Clerk.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-114)** and later today assigned.

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Bill "An Act To Establish the Crime of Motor Vehicle Violation Resulting in Death"

(H.P. 329) (L.D. 441)

(C. "A" H-78)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative HASKELL of Portland, was **SET ASIDE**.

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

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**ENACTORS**

**Constitutional Amendment**

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

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

(C. "A" S-35)

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

On motion of Representative TRINWARD of Waterville, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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**Emergency Measure**

An Act To Establish Native American Veterans Day

(H.P. 25) (L.D. 30)

(C. "A" H-45)

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. 127 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act Regarding Rockport College

(H.P. 254) (L.D. 318)

(C. "A" H-48)

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. 132 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.

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**Emergency Measure**

An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns

(S.P. 189) (L.D. 490)

(C. "A" S-36)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009

(S.P. 541) (L.D. 1454)

(S. "A" S-63)

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

Representative BERRY of Bowdoinham **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. As I mentioned before, this is a very important bill. The American Recovery and Reinvestment Act of 2009 permits the state's long-term unemployed workers to qualify for either 13 or 20 weeks of additional unemployment benefits during high unemployment. It is likely, as I mentioned before, as many as 9,900 unemployed workers in the state will benefit from this extended benefit.

The bill also temporarily uses the seasonally adjusted total unemployment rate methodology for determining when extended

benefits are paid. This increases the likelihood that these benefits will become available for unemployed workers during the current economic downturn. This methodology remains in effect for the weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009. During this time, in most cases, the cost of all extended benefits will be paid 100 percent by the Federal Government. Thank you, Madam Speaker.

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

**ROLL CALL NO. 27**

YEA - Adams, Austin, Ayotte, Beaudette, Beaulieu, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, 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, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Sykes.

ABSENT - Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 139; No, 1; Absent, 11; Excused, 0.

139 having voted in the affirmative and 1 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Fund the Nursing Education Loan Repayment Program

(H.P. 171) (L.D. 206)  
(C. "A" H-46)

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. 133 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-

thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Enhance Motorcycle Safety

(H.P. 34) (L.D. 39)  
(C. "A" H-39)

An Act To Create a Penalty for Harvesting Scallops in a Conservation Area

(S.P. 31) (L.D. 82)  
(C. "A" S-28)

An Act To Supervise and Regulate Real Estate Settlement Agents and Exchange Facilitators in Order To Protect Consumers

(H.P. 144) (L.D. 165)  
(C. "A" H-40)

An Act To Create the Support Animal Welfare Registration Plate

(S.P. 64) (L.D. 178)  
(C. "A" S-8)

An Act Regarding Bail Defaults and the Extradition Account

(H.P. 195) (L.D. 249)  
(C. "A" H-43)

An Act To Preserve Statewide Public Broadcasting

(S.P. 89) (L.D. 266)  
(C. "A" S-33)

An Act To Amend the Notary Public Laws

(H.P. 286) (L.D. 379)  
(C. "A" H-50)

An Act To Increase Payments to Victims of Crimes

(H.P. 446) (L.D. 632)  
(C. "A" H-52)

An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission

(S.P. 246) (L.D. 672)

An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees

(H.P. 517) (L.D. 758)  
(C. "A" H-53)

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 Encourage the Preservation of Dark Skies

(H.P. 6) (L.D. 11)  
(C. "A" H-15)

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

(H.P. 11) (L.D. 16)  
(C. "A" H-41)

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)

Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters

(H.P. 285) (L.D. 378)  
(C. "A" H-51)

Resolve, To Increase the Blood Supply

(H.P. 412) (L.D. 574)

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

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

**ENACTORS**  
**Emergency Measure**

An Act To Ensure the Availability of Supplemental Educational Loans

(S.P. 325) (L.D. 856)  
(C. "A" S-62; H. "A" H-115)

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

Representative MARTIN of Eagle Lake **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 Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker, members of the House. This is the first time this year that we are dealing with revenue bonding and I thought it was appropriate that we bring it to everyone's attention. I am a cosponsor of this legislation, if you look at it, and this deals with the organization which funds student loans. The original bill did not have a threshold and this bill does. The amendment that was offered by the committee now has a \$300 million level. The original bill had no upper level to it. The original law provided for a \$50 million cap and this now will go to \$300 million. My concern about it initially dealt with, obviously, the fact that revenue bonding is a tool that we use, and we will be using it later in this session for the judiciary and other items as well, and wanted to make sure that everyone clearly understood that the purpose of revenue bonding and the purpose of which we operate.

It is important that we proceed with this legislation because it will offer an opportunity for students who have those loans to lower the interest rate from 7 to possibly 5 percent. They will go out and make an attempt to get the bonds issued the two weeks, to get the bonds issued so that they will have the rate. The rate of interest will be substantially lower and that will then flow through to our students who have those loans out on the market and out there maybe borrowing now or those that have borrowed in the past.

Also, I thought it was critical that we point out that bonding is a tool that we use in this state to accomplish goals that we cannot do in the short run, and this is a way in which we can do things for the people of Maine that we would not be able to do otherwise. So I urge everyone to be voting for Enactment of this bill.

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

**ROLL CALL NO. 28**

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, Cohen, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Knight, Kruger, Lajoie, Langley, Legg, Lewin,

Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, 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, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, 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, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Cleary, Cornell du Houx, Cushing, Davis, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (S-31)** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "B" (S-32)** - Report "C" (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Calculate the School Year by Number of Hours" (EMERGENCY)

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

- In Senate, 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)**.

TABLED - April 14, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - Motion of Representative SUTHERLAND of Chapman to **ACCEPT** Report "B" **OUGHT TO PASS AS AMENDED**. (Roll Call Ordered)

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

**ROLL CALL NO. 29**

YEA - Adams, Austin, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Clark H, Cohen, Connor, Cotta, Crockett P, Dostie, Driscoll, Duchesne, Eberle, Eves, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gilbert, Eves, Fitts, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McLeod, Miller, Millett, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Robinson, Rotundo, Sanborn, Sarty, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino,

Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Ayotte, Beaudette, Boland, Burns, Casavant, Cebra, Chase, Clark T, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgcomb, Finch, Gifford, Harlow, Hill, Hogan, Knight, McFadden, McKane, Nelson, Pinkham, Richardson W, Saviello, Tardy, Thibodeau, Tilton.

ABSENT - Celli, Cleary, Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 108; No, 30; Absent, 13; Excused, 0.

108 having voted in the affirmative and 30 voted in the negative, with 13 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-32)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 28, 2009.

SENATE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-51)** - Committee on **NATURAL RESOURCES** on Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis

(S.P. 272) (L.D. 723)

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

TABLED - April 15, 2009 (Till Later Today) by Representative DUCHESNE of Hudson.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative FLETCHER: Thank you, Madam Speaker. I just want to share a little bit of information as to why I think we may want to defeat the pending motion. As probably a few of you know, I have been involved with the dam removal in Winslow. The DEP has very straightforward criteria, which says that when you either put in a dam or take out a dam you should do a cost and benefit analysis. But when you read the language, it leads a great deal of discretion for the DEP's interpretation as to what they consider. Now I certainly do not want to infer that our agencies interpret the regulations in any way whatsoever to other than an objective manner. But in these days of transparency and trust that people must have in their agencies, I ask you the question, why would you not want a detailed cost and benefit analysis so that everybody could see what is the pluses and the minuses?

I want to relay a little bit of information. The DEP did their analysis and said the benefits of removing the dam, in this case removing, were greater than the costs incurred. But as the dam was removed, even though this information was brought forward, the DEP's economic analysis said the economic gain will be the jobs that are created to take the dam down. Now if we follow that philosophy, maybe our economic boom in the State of Maine is to systematically demolish anything we built. Now I am being a little bit facetious, but I will come to the real point. What they ignored was the potential loss to the town to have to replace the sewer line that was going to be exposed. The DEP analysis said, well, that's a matter between the town and the dam owner. I don't

think it got into the equation, because the DEP's determination was that's a matter between the town and the dam owner. It costs about \$200,000 to replace the sewer line. The citizens of Winslow, the ratepayers, either through the sewer line or the taxpayers, are now subject to \$122,000 of additional costs not in the DEP's cost and benefit analysis, and I could go on and on about soil erosion and a whole group of things. But the most disturbing part, it was identified that there could be increased risks of banks slumping and erosion when the water level goes down. That was identified. The DEP's analysis said, well, we don't think that's an issue so we aren't going to consider that. Unfortunately, I don't think the microscope was quite in focus.

Tuesday night, I attended the meeting called by the town council. They have been having an expert evaluate the stability of the slope, that six homes are right on the slope or right next to it. Those homeowners were evacuated for 40 days, displaced from their homes during the drawdown, because the slope moved. It was determined unsafe for them to be there. They are back in their homes, but the town, fortunately, continued to monitor the slope and they found that it is continuing to move. Now, working through FEMA, those six homeowners now have to decide if they want to apply for a grant through the town to have their homes demolished. Now I suppose if you've lived there for a week or two weeks it wouldn't be big deal, but when people have lived there. There was one individual, 90 years old, a widow, had lived in that home for all of her life, and now she's got a choice: She could either stay in a home that is deemed to be unsafe, or she can agree to move from her home, accept the financial package, assuming the loan is approved, and the home is going to be burned. To me, that has to go into a cost and benefit analysis. If you look at the DEP record, it is not in the analysis. Now maybe this is an unusual situation. Maybe the other five homeowners or six homeowners trusted that the cost and benefit analysis, when the DEP made their decision, was going to reflect the true potential risk and the resulting cost, but I don't think so. If we do nothing else with our legislation and when we empower agencies to represent in an objective, professional manner their constituents, we should expect nothing less than a robust and professional and complete and comprehensive assessment of the situation. Now maybe we are unique. Maybe this never happens any other place, when a state agency goes through and follows their instructions and makes a decision. But I would think if we cannot learn from the past, as has been said before, we are doomed to repeat the same failures of judgment.

I would ask you to defeat the pending motion and require all of our agencies, and in this case the DEP, to perform what I think everybody else would consider a comprehensive and requirement to really look at the costs, the risks, and because the charter says what's in the best public interest—the best public interest. It doesn't say what somebody's personal opinion should be or what some special interest group's interest should be, but in the public interest. That is the fundamental trust, and I appreciate your indulgence, Madam Speaker, in letting me share this information. I hope our situation in Winslow is unique, and I hope to be able to tell you in the very near future six homeowners who principally got their whole lifesavings and cannot sell their homes, cannot even get insurance, are going to be protected and that maybe we'll learn that, next time, everybody's got to be a little more objective, professional and not be so concerned with maybe doing a little bit of extra work. Those six homeowners are at risk—\$609,000 worth of property value. They got two choices: Stay there and hope it doesn't fall or let the houses be destroyed, and hopefully the Federal Government and the taxpayers support it. I just asked for your consideration. Thank you very much.

The SPEAKER: The Chair recognizes the Representative

from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am not the expert on the particular situation that the Representative from Winslow, Representative Fletcher, speaks about, and I can't comment on that because that was not part of what came up in our particular hearing on this bill. I can really only comment on the merits of the bill itself and why it received a strong Majority Ought Not to Pass Report.

Essentially, Men and Women of the House, it is already in state statute that the DEP has to conduct a number of criteria upon which to review proposals for projects. These include studying harm to soil stability, coastal and inland wetlands, fish and wildlife resources, harm to historical and archeological resources, harm to the public rights of access, and use of the surface waters of the state for navigation, fishing, fowling, and other lawful public uses. They have to study whether the project will result in significant hydroelectric energy benefits, including the increase in generating capacity and annual energy output. Once they have done all of this, they have to put their findings of fact in writing, and then an explanation in writing of why they reached their decision. So all of these are actually already in law, and there was nothing in the bill that really seemed to advance the discussion much.

Whether the DEP is able to apply this law accurately in every circumstance, whether the situation in Winslow is an aberration, really we don't know, not at least in terms of the committee hearing. We actually only had a fairly quick proceeding on this bill. We had three people speak in favor, two against. I think we were done in 20 minutes. Even the sponsor of the bill herself agreed to Ought Not to Pass. So as far as the Natural Resources Committee was concerned on our strong Ought Not to Pass Report, it was based on the merits of the bill itself and the fact that it was merely already duplicating what was in statute. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I do not want to belabor this but, if you look at the statute, it says the benefits of a project need to be greater than its harms for each specified environmental and energy consideration. When I read that, that says something to me. You go through a detailed analysis; you don't do it subjectively, you do it qualitatively. You don't say, well, I think this is the answer I want so therefore I'll put this together. Of course, that may or may not happen.

We talk about energy, and I will just give you a couple of more, that hydropower plant is not producing. The amount of oil that somebody's going to have to burn somewhere is 548,000 gallon a year of additional oil, another 6,000 tons of CO<sub>2</sub> emissions. We are dealing with a lot of legislations around energy, right? If we were to replace that with solar PV, based on the numbers I have heard so far, that would be \$3.6 million. Now the ratepayers of Maine are going to be paying for that decision. What the DEP's analysis was, we think it's a trivial amount. Those are almost the exact words. It wasn't an analysis of CO<sub>2</sub> emissions, oil consumption—as a matter of fact, they did highlight that—but it is a trivial amount. We've spent millions of dollars putting compact fluorescent light bulbs in people's hands, but the DEP considers that, I guess, a trivial amount. I would request your consideration, again. Let us ask the straight-faced test. When you do a cost and benefit analysis, it's very well-defined. It is not a subjective determination of filling the blanks with some words to allow you to say you've completed the form. In my world, it is much more stringent than that. Thank you very much.

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

#### ROLL CALL NO. 30

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

**NAY** - Austin, Ayotte, Beaudoin, Beaulieu, Beck, Bickford, Boland, Briggs, Browne W, Burns, Campbell, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Greeley, Hamper, Harvell, Joy, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Trinward, Weaver.

**ABSENT** - Celli, Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

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**HOUSE DIVIDED REPORT** - Majority (9) **Ought to Pass** - Minority (2) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses"

(H.P. 365) (L.D. 520)

**TABLED** - April 15, 2009 (Till Later Today) by Representative **PIOTTI** of Unity.

**PENDING** - Motion of Representative **SUTHERLAND** of Chapman to **ACCEPT** the Majority **OUGHT TO PASS** Report. (Roll Call Ordered)

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

#### ROLL CALL NO. 31

**YEA** - Adams, Beaudette, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Crockett P, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Gilbert, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Knight, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Rotundo, Sanborn, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

**NAY** - Austin, Ayotte, Beaudoin, Bickford, Browne W, Burns, Campbell, Cebra, Chase, Cotta, Crafts, Cray, Crockett J, Curtis,

Davis, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Joy, Langley, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Pinkham, Plummer, Pratt, Prescott, Richardson W, Robinson, Sarty, Saviello, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Cornell du Houx, Cushing, Dill, Goode, Hanley, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 28, 2009.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-90)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Requiring Assisted Living Facilities To Provide Automated External Defibrillator Availability"

(H.P. 411) (L.D. 573)

TABLED - April 15, 2009 (Till Later Today) by Representative PERRY of Calais.

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

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

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

On motion of Representative DAVIS of Sangerville, **TABLED** pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-70)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-71)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (H-72)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Change the Classification of Certain Waters of the State"

(H.P. 266) (L.D. 330)

TABLED - April 15, 2009 (Till Later Today) by Representative DUCHESNE of Hudson.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a brief statement on this. There is a small portion of the Crooked River, which is the boundary between Harrison and Otisfield, called Scribner's Mill. There was a saw mill there which goes back to about 200 years. It is actually a sash sawmill, not a circular one. A sash saw mill saws up and down. The dam that powered that, it was a water powered mill, the dam that powered that was taken out sometime in the 1970s. A very small group of very dedicated people formed the Scribner's Mill Historic Preservation Society and has, over the last 35 or more years, attempted to preserve that sash mill as a historical place. They have a program called Back to the Past, a weekend in August in which they invite people in to look and try to remember how this mill was operated. It was an economic opportunity for the people

of that area. They have made an application to DEP for a small impoundment, a small dam in that area. DEP has actually denied that. They have appealed before the board to reverse that request for that impoundment, that small dam, and that is actually being heard this morning. It is not going to go through, they are not going to get a dam there, but this bill reclassifies the river so that no type of activity involving the river will be allowed for this historical preservation society. I would hope that we would allow this small group of people, they're not going to get a dam, but this bill will prevent some of the things that they have negotiated with DEP, which DEP seems to be willing to look at, and I am afraid that if we pass this bill and reclassify the river to prevent and it will prevent this negotiation with DEP. It is kind of a shame because they worked hard on this. So I am going to vote no against this particular bill and hope some of you will as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. I apologize for having risen twice today. Let me explain a little bit about the bill. This has taken more of our time than any other bill, its many hours of our lives we'll never get back, but it was a worthwhile bill, and Representative Sykes raises a very good issue that took us a long time to sort out. The effort put on by the folks at Scribner's Mill is just outstanding, it's what citizens can do around a historical project to come together in a community, but it raised certain issues that we as a committee has to deal with. The federal Clean Water Act requires states to classify their waters and clean them up to attainable standards that can allow some of the reasonable work we still expect those rivers to do. The DEP makes a bunch of recommendations, these go to the Board of Environmental Protection for approval, and then it comes to the Legislature for final say, that is how important these are, and there are over 20 different watersheds, rivers, pieces of rivers that were involved in this year's package. It is almost never possible to come up with a unanimous report, because there are always certain rivers that are somewhat controversial, and, in this case, we happen to have that in the Crooked River in Harrison.

One of the reasons the committee came down with a very strong Majority Report, the way it did, is because Sebago Lake is affected by the Crooked River, it is the largest water source coming into the lake. Sebago Lake is the water supply for 200,000 people in southern Maine. It is one of the few major cities in America that doesn't have to filter its water supply. If further degradation happens to the Sebago Lake Watershed, there is the risk that taxpayers are going to have to spend millions and millions of dollars to install new filtration equipment to purify most of southern Maine's water supply.

The second issue we ran into is the Sebago Watershed is one of only four watersheds in Maine that is home to landlocked salmon, and that is a very important tourist and economic development tool for the State of Maine, in terms of our nature-based tourism. Only one of four watersheds and it turns out the Crooked River is primarily the spawning ground for landlocked salmon. This is a high priority watershed, and that river, for the Inland, Fisheries and Wildlife Department, and also for the Sportsman's Alliance of Maine, who are very protective of that watershed and its salmon resources. So we had to weigh the historical significance of what could be accomplished at Scribner's Mill and what couldn't.

A very worthwhile project put on by some wonderful people that would require them, for authenticity purposes, to put in a dam, versus the risk of millions of dollars of taxpayer money spent on a filtration system in Portland and for their water supply, and the potential degradation of landlocked salmon or increased



costs to the state and taxpayers for fish stocking in that watershed, and when you make that determination, the committee was fairly clear that we just couldn't take that much risk for that little reward. The reward is worthwhile, we really applaud what those folks are doing, but the committee, as a whole, came down on the issue that way. Although this is a three way divided report, as I mentioned earlier, in reality only three people went the other way on this issue. All of us were unanimous on the Crooked River, 10 of us were unanimous that this was risk we could not take. It is important to mention the Board of Environmental Protection also had hearings and did this at length, and they were also unanimous that this is just a risk the state could not take. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to comment briefly on LD 330. This bill did come to our committee, I believe sometime early in January, I believe it was the month of January. We listened to the people of Harrison tell about their project and what it meant to them. I think we listened to probably 15 or 20 people from Harrison. From what I understand, everyone or just about everyone in Harrison, Maine were in favor of the Scribner's Mill Historical Society and its preservation of that particular mill. To be perfectly truthful with you, I couldn't get to Harrison, Maine if I had to. I don't know where Harrison, Maine is, but I did listen to these people and found their point of view very appealing.

I guess one of the reasons I did take up the bill is because, first of all, I see government as a servant, not something that should hinder the wishes of the people, the people of that particular community also. The people of Harrison, Maine, in their desire to build a replica of the historical mill, did everything right. They filled out the forms, they applied for the proper permits, they submitted the application; however, the IF & W, from what I understand, sent up a state biologist to the area. The state biologist determined that their effort would hinder salmon migration; therefore, the DEP decided to raise that section of Crooked River to a AA, which effectively meant that, if they raised the classification of that section of the Crooked River to AA, nothing could be built on that section of the river, not even the dam that once replicated the dam that was there in the 1800's. As I mentioned, their part prohibited the building of the dam and effectively stopped the project. Now I would consider these tactics, whereby you have one agency of the government, the State of Maine, the IF & W, cooperating with the Department of DEP, and thereby coming up with a scheme, I would call it, to effectively block or prohibit the building of this historical site was not the most appropriate thing that could have been done. I believe it is incumbent upon us, as state legislators, to demonstrate to the various agencies that the people should be in control of what occurs in their town and not some state agency, what's going to occur in their town.

Now I do want to emphasize that the original bill for the reclassification of rivers, by the way, included the section of Crooked River. The bill to raise the classification of rivers did not include that section of Crooked River, which means that there was some scheming behind there to all of the sudden say, gee, we have to raise that section of Crooked River. It was not in the original bill, the amendment was later added. I am asking that you support the good people of Harrison, Maine.

I just want to point out here; I grew up in a saw mill. Albeit, it was not a water driven saw mill, but I can tell you that a water-powered saw mill is truly a work of art. I've gone many, many miles to see a water-powered driven saw mill. As I mentioned, I

grew up in a saw mill, a saw mill in itself, and I believe Thomas Jefferson said that he envisioned in America an agrarian society with a saw mill in every community. This is the effort on their part to reenact or to have this as a very beautiful, historical site, and I can guarantee you that they can build a salmon fishway that will not in any way effectively stop salmon from going up into Sebago Lake. I'm sure that both entities can be accommodated, that's why I would recommend accepting the Report "B".

I also believe that this issue transcends all party lines. I truly believe it does transcend party lines, and it becomes an issue with the people living in communities, people making their communities work by coming together in projects like this, like this mill, that makes each community in the State of Maine unique. It should not be up to us to take away their personality and replace it by the desires of some agency, whether it would be the I, F & W or the DEP, these people have a right to a historical site in Harrison. I do want to reemphasize that the Scribner's Mill Historical Preservation Society complied in every way and was refused the permit because a state biologist said it would interfere with salmon migration. I do not believe that is true. I have a background as a biologist. I know they can build a fishway that would accommodate the salmon that wanted to go back up into the river, and the DEP informed them they could prevent the building of SM by reclassifying the river to AA. This is a scheme that should not be tolerated by the people of Maine, whereby state agencies can get together and cause a historical group to foil their plans. I do not believe that a state agency, as I said, should act in such a manner to block a very legitimate historical project. I believe this at least should go back to committee for restudy. We can accommodate both the migration and salmon and the Maine Scribner's Mill Historical Society.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would just like to add a couple more points to this debate, if I could, please. The reclassification that is required of Maine's rivers and streams and lakes, to upgrade them and to clean them up, does not just involve the DEP and the BEP. It is a process that involves the public; it involves their input, their suggestions as to which bodies of water might be upgraded, so it is not just an agency decision, it involves a lot of input from the public.

In addition to, as the good Representative from Hudson, Representative Duchesne, pointed out, not only is it the drinking water supply for 200,000 homes in southern Maine, there are lots of businesses and industries that depend on the purity of that water, including dialysis centers and hospitals in the greater Portland region, and the semiconductor industry that, if the water quality changes at all, requires a great deal of effort on their part and expense to make sure that the water quality is maintained for those purposes.

In terms of the historical society's project, it is a wonderful project, but the desires of that group to have their project go forward would compromise, in so many ways, the water supply, the system that is in place for the purification of that water, and also for the salmon spawning habitat. We had encouraged the group to look at an alternative source of energy for their project. The project could still go forward; it just would not require a compromise of the water quality in that area. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I appreciate the good Representative from Caswell, Representative Ayotte's explanation about some of the decision-



making, the process and ethics of this, and I think there are some issues there and I think those will be dealt with in a different venue. I also appreciate the good Representative from Hudson, Representative Duchesne's explanation; he did a good job. All of the speakers have said, and I agree, that the Scribner's Mill Historical Preservation Society is a good organization trying to do a very positive thing. But the Representative from Hudson, Representative Duchesne, left an important fact out, and I think we are headed in the wrong direction with a study. This bill will not stop the dam. This bill cannot stop the dam. This bill is something that will be prospective. This is a situation where these folks already had an application before DEP for this impoundment. DEP has denied that application; they have appealed it; it is before the board today. If the board decides, okay, we agree with you, go ahead and do it, then that is going to happen. What this bill will do, unfortunately, and I have been directly involved with some of these meetings and discussions, what this bill will do is to prevent, if it passes, it will prevent some of the other alternatives that the Scribner's Mill Historical Perseveration Society has been negotiating with DEP, and DEP has said, and I have heard this myself, we can live with some of those things. This bill will not stop that impoundment, that dam. That decision is with the board, right now, today. What this bill will do is to prevent some other alternatives for a wonderful, historical perseveration group trying to be probably the only sash saw mill restored in North America. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I do want to address a remark made by the good Representative from South Portland, Representative Eberle. I did specifically ask, very specifically ask the people from the Scribner's Mill Historical Preservation Society if any sawdust or chips or bark would be put into the Crooked River, and I was unequivocally told that there would be no debris, no sawdust, no chips, or anything of that sort that would go into the river. So as far as this affecting the water that runs downriver, I was told unequivocally that it would not affect it in any way and would not, in any way, interfere with the drinking water or water used by the people of Sebago Lake or wherever. Thank you.

Representative **HAMPER** of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would just like to be clear that I am voting with the Majority Report on Ought to Pass with Amendment "A", and I fully support that. Thank you.

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

Representative **FITTS**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **FITTS**: Thank you, Madam Speaker. It would appear to me that this classification change would be partially intended to stop an activity. What are the classifications below Scribner's Mill and above Scribner's Mill today? Thank you, Madam Speaker.

The SPEAKER: The Representative from Pittsfield, Representative Fitts has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In answer to the question, the river is already Class AA, both above and below. The only section that is still A is that section that is now being reclassified to the rest. The historical dam that we are talking about was breached back in 1970; it hasn't actually been a dam for about 40 years.

If I may answer another question too, it was mentioned by the Representative from Harrison, Representative Sykes, that if this bill were to pass and the Scribner's Mill folks win their appeal, the dam could still go forward. It does, however, if this is reclassified AA, the way the rest of the river is, it would preclude future dams on that section of the river. Thank you, Madam Speaker.

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

### ROLL CALL NO. 32

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

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

ABSENT - Celli, Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Martin JL, Rosen, Russell, Smith, Stuckey, Thibodeau, Watson, Willette.

Yes, 84; No, 51; Absent, 16; Excused, 0.

84 having voted in the affirmative and 51 voted in the negative, with 16 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-70)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 28, 2009.

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-77)** - Report "B" (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County and To Increase the Senate Term from 2 to 4 Years  
(H.P. 574) (L.D. 838)

TABLED - April 15, 2009 (Till Later Today) by Representative **BEAUDETTE** of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** Report "B" **OUGHT NOT TO PASS**.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not To Pass**.

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

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I moved Acceptance of the Ought Not to Pass Report. This bill does propose to apportion two senators for each county. The reason that I forwarded that particular report is that the change that is suggested would be unconstitutional. In a U.S. Supreme Court decision in 1962, *Baker v. Carr*, the court determined the reapportionment issues are justiciable questions enabling courts to intervene and decide reapportionment questions, and *Gray v. Sanders*, in 1963, the court struck down the Georgia apportionment system, which is what is being suggested here. Justice William Douglass wrote the majority opinion and said the concept of political equality can mean only one thing: one person, one vote. The court found that the separation of voters in the same election into different classes was a violation of the Fourteenth Amendment's guarantee of equal protection. In 1964, in *Reynolds v. Sims*, the court ruled that state legislature districts, in both houses of a bicameral legislature, had to be roughly equal in population. The case determined that the Fourteenth Amendment, the Equal Protection Clause, requires substantially equal legislative representation for all citizens in a state, regardless of where they reside, they represent people not areas.

If this were to pass, you would have a situation where, for example, in Oxford County, which has population of about 50,000 people, if there were two senators, each would represent 25,000 people. In Cumberland County, in comparison, which has a population of about 275,000 people, two senators would represent 137,500 people. This is clearly in opposition to the Supreme Court decisions, and I would recommend that you vote for the Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am sorry to have to rise and speak against my former committee chair, but I think that just because courts have ruled in the past that something may be unconstitutional, doesn't mean that that court can't change its mind. We have lots of enterprising attorneys in here who should be willing to pick up the challenge and run to Washington and see about fighting this.

One of the reasons that I put this bill in is, many years ago when our country was being founded, our representatives in Philadelphia were at odds as to how they were going to proceed. They were all ready to go home and not come up with any conclusion about how they were going to form the government for this country. A gentleman by the name of Roger Sherman finally saved the day, when he made a proposal that we should have representation in the Senate of our country on the basis of one per state. That created a body of geography and gave a balance between the House and the Senate. That was later changed to two senators per county, of per state rather, and we still have that situation today. The Senate is the body of geography; the House is the body of the people. The same should be in order for our states.

One of the biggest reasons that I affirmed this point is that our Constitution of Maine says that each body should be able to negate the other. It's rare that you will find that the two bodies do not line up on the basis of population. I know that one of the complaints that I have heard in the past is that senators in the southern counties, where it is more populous, would have much larger districts and have to travel a long way. Consider the

Second Congressional District. The Representatives in the Second Congressional District have to travel miles, all the way from Lewiston, all the way up to Fort Kent to campaign in his bids for election and reelection. In my own district, when I go out to pick up my signs at the end of a campaign, I have 400 miles on my automobile, so I can't really accept that argument. Ladies and Gentlemen, I would challenge you to pass this, and let's draft some of our attorneys to go represent us in Washington to straighten this matter out. Thank you, Madam Speaker.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I enjoy actually having these conversations and sometimes debates with the good Representative from Crystal, a true gentleman, and I enjoy the repartee that we sometimes have the opportunity to engage in; however, I just wanted to add one more piece of little history here. In the State of Maine, there were actually two senators per county until 1965 and that change in the state constitution was made at that time, essentially in response to the three Supreme Court decisions that I had mentioned earlier in '62, '63, and '64. Thank you.

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

#### ROLL CALL NO. 33

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Hayes, Joy, Knight, Langley, McFadden, McKane, McLeod, Millett, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sirois, Strang Burgess, Sykes, Tardy, Thomas, Tilton, Weaver.

ABSENT - Celli, Cleary, Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Thibodeau, Watson, Willette.

Yes, 83; No, 53; Absent, 15; Excused, 0.

83 having voted in the affirmative and 53 voted in the negative, with 15 being absent, and accordingly Report "B" **Ought Not to Pass was ACCEPTED** and sent for concurrence.

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)

TABLED - April 15, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENACTED.**

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

**ROLL CALL NO. 34**

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

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

**ABSENT** - Celli, Cleary, Cornell du Houx, Cushing, Dill, Goode, Johnson, Kent, Knapp, Rosen, Russell, Smith, Willette.

Yes, 88; No, 50; Absent, 13; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**SENATE PAPERS**

The following Joint Order: (S.P. 544)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 28, 2009 at 10:00 in the morning.

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 88) (L.D. 104) Bill "An Act To Fund Fully the Purchase of Military Time" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-111)**

(H.P. 133) (L.D. 154) Bill "An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-112)**

(H.P. 565) (L.D. 829) Bill "An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)**

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

**COMMUNICATIONS**

The Following Communication: (H.C. 175)

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

April 16, 2009

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

Dear Speaker Pingree:

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

Criminal Justice and Public Safety

L.D. 726 An Act To Improve the Process for Issuing Concealed Weapons Permits

L.D. 814 An Act Regarding the Sale of Weapons at Gun Shows

L.D. 985 An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms

L.D. 1076 An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises

Health and Human Services

L.D. 1050 An Act To Establish a Waiting Period for MaineCare Participants

Insurance and Financial Services

L.D. 1285 An Act To Create the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance

Labor

L.D. 996 An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually

State and Local Government

L.D. 273 An Act To Require a Regional Review of Projects That Affect Areas Outside of the Community in Which the Project Is Proposed

L.D. 918 An Act To Amend the Informed Growth Act To Provide a Local Management Option

L.D. 1019 An Act To Strengthen the Informed Growth Act

Taxation

L.D. 166 An Act To Exempt Persons 65 Years of Age or Older with Income below the Poverty Line from Property Taxes on Their Homes

L.D. 224 An Act To Exempt Certain Senior Residents from the Income Tax

L.D. 404 An Act To Promote Property Tax Relief for Maine's Senior Citizens

L.D. 765 An Act To Allow Towns To Establish Their Own Homestead Exemption Programs

L.D. 851 An Act To Exempt Certain Veterans from the Income Tax

L.D. 1087 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property

Tax on the Primary Residence of a Person 65 Years of Age or Older

L.D. 1233 An Act To Provide Property Tax Relief to Senior Citizens

Utilities and Energy

L.D. 314 Resolve, Directing the Public Utilities Commission To Study the Feasibility of the Merger of Certain Utilities

L.D. 717 An Act To Ensure Proper Oversight of Propane Facilities

L.D. 1030 An Act Establishing a Wind and Solar Energy Loan Guarantee Program

L.D. 1095 An Act To Provide Affordable Installation of Alternative Energy Systems

L.D. 848 An Act To Encourage Green Commerce

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 283) (L.D. 736) Resolve, Directing the Department of Transportation To Request Federal Funding for the Extension and Completion of Interstate 95 (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

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

**ENACTORS**

**Emergency Measure**

An Act To Protect Maine's State Parks and State Historic Sites

(S.P. 26) (L.D. 67)

(C. "A" S-38)

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. 132 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 Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes

(H.P. 85) (L.D. 101)

(C. "A" H-55)

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. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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; H. "A" H-92)

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. 128 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 Equalize Annuity and Structured Settlement Annuity Benefits with Life Insurance under the Maine Life and Health Insurance Guaranty Association

(S.P. 263) (L.D. 688)

(C. "A" S-40)

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. 129 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 Permit the Landing of Draggged Crabs as Bycatch

(S.P. 350) (L.D. 928)

(C. "A" S-41)

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. 128 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust

(H.P. 271) (L.D. 335)

(C. "A" H-57)

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. 129 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Identify Funding Available To Promote the Use of Energy-efficient Furnaces

(S.P. 151) (L.D. 407)

(C. "A" S-39)

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. 129 voted in favor of the same and

3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

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

(H.P. 196) (L.D. 250)  
(C. "A" H-42)

An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms

(H.P. 541) (L.D. 790)  
(C. "A" H-58)

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.

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**Resolves**

Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services

(H.P. 439) (L.D. 625)

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

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 162) (L.D. 197) Bill "An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to Business Closure" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)**

(H.P. 296) (L.D. 389) Bill "An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)**

(H.P. 427) (L.D. 589) Bill "An Act To Encourage the Production of Liquid Biofuels" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

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

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

Representative **RUSSELL**: Thank you, Madam Speaker. I wanted to state for the record that had I been here for Quorum Call, I would have pressed yea.

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

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On motion of Representative BLANCHARD of Old Town, the House adjourned at 12:40 p.m., until 10:00 a.m., Tuesday, April 28, 2009 pursuant to the Joint Order (S.P. 544).