

# 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  
41st Legislative Day  
Tuesday, May 19, 2009

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

Prayer by Reverend Manasses Rodrigues, First Brazilian Baptist Church, Portland.

National Anthem by Biddeford High School Chamber Singers.

Pledge of Allegiance.

Doctor of the day, Allen Hayman, M.D., Falmouth.

The Journal of yesterday was read and approved.

**SENATE PAPERS**  
**Non-Concurrent Matter**

An Act To Amend the Retail Tobacco and Liquor Licensing Laws

(S.P. 165) (L.D. 462)  
(C. "A" S-83)

- In House, **PASSED TO BE ENACTED** on May 5, 2009.

- In Senate, **PASSED TO BE ENACTED** on May 6, 2009, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 561.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83) AND SENATE AMENDMENT "A" (S-163) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

**COMMUNICATIONS**

The Following Communication: (H.C. 182)

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

In accordance with 2 M.R.S.A., Section 104, Subsection 1, the Joint Standing Committee on Health and Human Services has had under consideration the reappointments of Andrew F. Coburn of Portland, Maroulla S. Gleaton of Palermo, Anne P. Graham of North Yarmouth, Edward F. Miller of Hallowell and the appointment of James P. Highland of Yarmouth to the Advisory Council on Health Systems Development.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

**YEAS** Senators 2 Brannigan of Cumberland, Marraché of Kennebec  
Representatives 7 Perry of Calais, Peterson of Rumford, Jones of Mount Vernon, Sanborn of Gorham, Campbell of Newfield, Stuckey of Portland, Eves of North Berwick

**NAYS** 0

**ABSENT** 5 Sen. Mills of Somerset, Rep. Joy of Crystal, Rep. Lewin of Eliot, Rep. Strang Burgess of Cumberland, Rep. Soctomah of the Passamaquoddy Tribe

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointments of Andrew F. Coburn of Portland, Maroulla S. Gleaton of Palermo, Anne P. Graham of North Yarmouth, Edward F. Miller of Hallowell and the appointment of James P. Highland of Yarmouth to the Advisory Council on Health Systems Development be approved.

Signed,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 183)

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

May 13, 2009

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

Dear President Mitchell and Speaker Pingree:

In accordance with 24-A M.R.S.A., §6952, the Joint Standing Committee on Health and Human Services has had under consideration the reappointments of W. Stephen Gefvert of Cumberland Foreside, Janice M. Wnek of Brunswick, Honorable Elizabeth Miller of Somerville, Jeffrey Holmstrom of So. Portland, Rebecca Martins of Warren, James Case of Yarmouth and appointments of Susan Jane T. Henderson of So. Portland, J. Elizabeth Mitchell of Portland, Peter C. Shultz of Rome to the Maine Quality Forum Advisory Council.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

**YEAS** Senators 2 Brannigan of Cumberland, Marraché of Kennebec  
Representatives 7 Perry of Calais, Peterson of Rumford, Jones of Mount Vernon, Sanborn of Gorham, Campbell of Newfield, Stuckey of Portland, Eves of North Berwick

**NAYS** 0

**ABSENT** 5 Sen. Mills of Somerset, Rep. Joy of Crystal, Rep. Lewin of Eliot, Rep. Strang Burgess of Cumberland, Rep. Soctomah of the Passamaquoddy Tribe

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointments of W. Stephen Gefvert of Cumberland Foreside, Janice M. Wnek of Brunswick, Honorable Elizabeth Miller of Somerville, Jeffrey Holmstrom of So. Portland, Rebecca Martins of Warren, James Case of Yarmouth and the appointments of Susan Jane T. Henderson of So. Portland, J. Elizabeth Mitchell of Portland, Peter C. Shultz of Rome to the Maine Quality Forum Advisory Council be approved.

Signed,

S/Sen. Joseph C. Brannigan

Senate Chair  
S/Rep. Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 352)

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

May 18, 2009

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

Dear Clerk MacFarland:

The President appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Reduce Misuse of Woodlands by the Public" (H.P. 370) (L.D. 525):

Senator BRYANT of Oxford  
Senator JACKSON of Aroostook  
Senator TRAHAN of Lincoln

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Arlene Greenleaf, of Bethel, on her retirement as an emergency medical services worker after 37 years of dedicated service to her community and to the State. Ms. Greenleaf was permanently disabled when she was severely injured in the line of duty while transporting a patient to a hospital. During Ms. Greenleaf's long and distinguished career providing exceptional patient care and transportation, she has contributed greatly to her profession. She has taught thousands of hours of continuing education programs for emergency medical technician licensing. We extend our deep appreciation to Ms. Greenleaf on her many years of dedication to the emergency medical services profession and to the people of Maine, and we send her our best wishes;

(HLS 345)

Presented by Representative BRIGGS of Mexico.  
Cosponsored by Senator BRYANT of Oxford, Representative CROCKETT of Bethel.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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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. 478) (L.D. 695) Bill "An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 961) (L.D. 1371) Bill "An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 303) (L.D. 415) Bill "An Act Relating to Interference with Navigation on Inland Waters" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-304)**

(H.P. 466) (L.D. 652) Bill "An Act To Clarify the Maine Uniform Building and Energy Code" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)**

(H.P. 626) (L.D. 908) Resolve, To Authorize Efficiency Maine To Conduct a Pilot Conservation Program Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 719) (L.D. 1044) Bill "An Act To Promote Cogeneration of Energy at Maine Sawmills" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)**

(H.P. 921) (L.D. 1318) Bill "An Act To Create the Hancock Pond Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-303)**

(H.P. 962) (L.D. 1372) Bill "An Act To Simplify Maine's Accountancy Laws" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)**

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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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 90) (L.D. 267) Bill "An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits" (C. "A" S-156)

(S.P. 96) (L.D. 300) Bill "An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements" (C. "A" S-117)

(S.P. 357) (L.D. 935) Bill "An Act To Rate Energy Efficiency and Carbon Emissions of Buildings" (C. "A" S-155)

(H.P. 454) (L.D. 640) Bill "An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services" (C. "A" H-292)

(H.P. 763) (L.D. 1108) Bill "An Act To Amend the Statute of Limitations under the Maine Human Rights Act" (C. "A" H-293)

(H.P. 910) (L.D. 1307) Bill "An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers" (C. "A" H-294)

(H.P. 920) (L.D. 1317) Bill "An Act To Amend the Charter of the Addison Point Water District" (C. "A" H-296)

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

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

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

Bill "An Act To Amend the Aquaculture Laws"  
(H.P. 977) (L.D. 1398)  
(C. "A" H-278)

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

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Bill "An Act To Protect Family Caregivers"  
(H.P. 664) (L.D. 962)  
(C. "A" H-295)

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

On motion of Representative PIOTTI of Unity, 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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The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-232) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-233) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Modify the Informed Growth Act"**

(H.P. 336) (L.D. 448)

**TABLED - May 7, 2009 (Till Later Today)** by Representative HARVELL of Farmington.

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

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-232) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 20, 2009.

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**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-135) - Committee on JUDICIARY on Bill "An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals"**

(S.P. 254) (L.D. 679)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-135).**

**TABLED - May 13, 2009 (Till Later Today)** by Representative TARDY of Newport.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-135) was READ** by the Clerk and **ADOPTED.**

The Bill was assigned for **SECOND READING** Wednesday, May 20, 2009.

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Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

(S.P. 235) (L.D. 621)

(S. "B" S-151 to C. "A" S-100)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100) AS AMENDED BY SENATE AMENDMENT "B" (S-151)** thereto.

**TABLED - May 18, 2009 (Till Later Today)** by Representative PIOTTI of Unity.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative THIBODEAU of Winterport, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151)** thereto was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-306) to Committee Amendment "A" (S-100)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Winterport, Representative Thibodeau.

**Representative THIBODEAU:** Thank you, Madam Speaker. The first thing I'd like to do is thank our good chair, Representative Tuttle. I certainly enjoyed being on Labor this year, and the fact that the good Representative is very cordial, polite; we've managed to keep many issues that could have been very partisan from being partisan, and I appreciate his efforts when it comes to that. I also want to say that every day that I come here, I learn something new and it's always great to have an education because, of recent, we've learned that apparently it's not good protocol to actually offer an amendment on a bill that you voted against, and I'd like to apologize for that. I certainly am not trying to break with tradition, but I do come here every day with the best of intentions to do what I believe is in the best interests of the people of the State of Maine. I apologize if somehow I have operated in a way that is out of line with the tradition. With that being said, Madam Speaker, my amendment, when I went to Representative Tuttle with the concept, he directed me to work with our analyst and, my first priority, because I recognize the tremendous support that this bill has, and my first priority was to do no harm to the bill as it exists, because I think this body has clearly spoken that we stand in support of Maine's firefighters.

When I originally went to the Clerk, and I think Representative Tuttle would concur with this that was my opening statement to her is that we want to do no harm to this bill. Because of my respect for this institution, I don't believe for a minute that I'm the only individual in this chamber that's opinion counts. I think each one of us brings something to the table. So with that, I certainly respect that decision. But, at the same time, as I listened to the debate and I intended to speak that morning, but as I listened to the debate, I think both sides presented very well. But I think, ultimately, the debate came down to is there a cost or isn't there a cost associated with this bill. I understand that there are individuals that think that there is no cost associated, and, if that happens to be the case, then, again, this amendment will do no harm. If there is a cost associated, then there'll be an opportunity

for this body in the next Legislature, not in this current Legislature but in the next Legislature, to keep our towns whole.

Now there is no fiscal note on this bill. It's within existing resources, so this was not an attempt to kill this bill in any way. It will have no negative impact in that regard. I want to say that given the current situation that we find ourselves in with the budget that obviously has a proposed reduction in GPA, revenue sharing reduction, and the towns are obviously seeing tremendous reductions in their excise taxes and a whole host of other situations that are reducing their revenue. We had the Maine Municipal Association come forward, and this is not because they don't respect the firefighters, it's not because they don't appreciate the job that they do, but they came forward because of the economic situation they find themselves in with a 70 to nothing testimony in opposition to this bill—70 to nothing. Now we also had the association that the cities are involved with, the cities also have an organization that's very similar to Maine Municipal that came out in opposition because they're concerned about where their budget is and where it's going, it's not for lack of respect for the firefighters.

This amendment, simply put, will create a report back to the committee of jurisdiction in the next Legislature and give them the authority, which they have, I want you to know that they have the authority to report out a bill, but with adding this amendment, I think it gives us the right message with the right tone at this time. It recognizes Maine Municipal's really tough budget situation and sends in the message that we're not simply passing on additional costs without any consideration at all. We take that very seriously and we want to keep them whole and this is simply an effort to do that. If there's no cost when the report back comes, then it won't cost this chamber anything in the next budget cycle. If there is a cost and we're suggesting to the municipalities, then we ought to keep them whole.

Also, I would like to thank the good chair. I was presented with a letter from the Workman's Comp Board this morning and, because of bringing forward this LD, the chairs have written a letter to the Workman's Comp Board and they've agreed to do this very analysis that is proposed in this amendment, and I appreciate that. I just think that if we put this amendment on, as we go back to the municipalities that we represent and are asked about, we can say, well you know, we too were concerned and because of that fact, we added an amendment that will create a report back and we intend to keep our towns whole. I appreciate your time, and I'd ask for a roll call.

Representative THIBODEAU of Winterport **REQUESTED** a roll call on **ADOPTION of House Amendment "B" (H-306) to Committee Amendment "A" (S-100)**.

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

Representative TUTTLE of Sanford moved that **House Amendment "B" (H-306) to Committee Amendment "A" (S-100) be INDEFINITELY POSTPONED**.

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. I do appreciate the kind words of Representative Thibodeau. I think that we're very proud that the Labor Committee has passed a great number, 90+ percent, unanimous reports this year. If any of you would have served on the committee in previous years, that would not have occurred, and I can say I think it's the best committee I've served with in the past 20+ years. But as Representative Thibodeau said, we had received a letter from the Maine Workers' Compensation Board that agrees to conduct the cost analysis of the impact of LD 621, and they will be reporting back

to us in December 15, 2013, so there really is no need for the amendment. I would thank the gentleman for bringing the issue forward, but I encourage you to support my motion to Indefinitely Postpone.

Representative THIBODEAU of Winterport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-306) to Committee Amendment "A" (S-100)**.

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 Indefinite Postponement of House Amendment "B" (H-306) to Committee Amendment "A" (S-100). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 89**

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Blanchard, Browne W, Burns, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgecomb, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Jones, Joy, Knapp, Knight, Lewin, MacDonald, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Peoples, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Van Wie, Wagner R, Weaver.

ABSENT - Bolduc, Celli, Connor, Greeley, Langley, Pratt, Rosen, Treat.

Yes, 83; No, 60; Absent, 8; Excused, 0.

83 having voted in the affirmative and 60 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-306) to Committee Amendment "A" (S-100) was INDEFINITELY POSTPONED**.

**Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151) thereto was ADOPTED**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Engrossed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 90**

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cray, Crockett J, Crockett P, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Morrison, Nelson, Nutting, O'Brien, Pendleton, Percy, Perry, Peterson, Pieh, Pinkham, Piotti, Pratt, Prescott, Priest, Rankin, Rotundo, Russell,

Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Cebra, Chase, Cotta, Crafts, Curtis, Cushing, Dill, Fitts, Flood, Hamper, Johnson, Joy, Knapp, Knight, Lewin, McKane, McLeod, Millett, Nass, Pilon, Plummer, Richardson D, Richardson W, Robinson, Sarty, Sykes, Thomas, Van Wie.

ABSENT - Bolduc, Celli, Connor, Greeley, Langley, Rosen, Treat.

Yes, 111; No, 33; Absent, 7; Excused, 0.

111 having voted in the affirmative and 33 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151)** thereto in concurrence.

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An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists

(S.P. 422) (L.D. 1131)

TABLED - May 18, 2009 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### ORDERS

On motion of Representative CAIN of Orono, the following Joint Order: (H.P. 1032)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out emergency legislation to the 124th Legislature as needed.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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Reference was made to Bill "An Act To Reduce Misuse of Woodlands by the Public"

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

In reference to the action of the House on May 14, 2009 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative CLARK of Millinocket

Representative SHAW of Standish

Representative SARTY of Denmark

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#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Enhance Municipal Home Rule Statutes"

(H.P. 703) (L.D. 1028)

Signed:

Senators:

SIMPSON of Androscoggin

JACKSON of Aroostook

COURTNEY of York

Representatives:

BROWNE of Vassalboro

WILLETTE of Presque Isle

HAYES of Buckfield

BEAUDETTE of Biddeford

COTTA of China

CLARK of Easton

HARVELL of Farmington

KAENRATH of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)** on same Bill.

Signed:

Representatives:

BOLAND of Sanford

SCHATZ of Blue Hill

**READ.**

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

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

---

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)** on Bill "An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability"

(H.P. 811) (L.D. 1172)

Signed:

Senators:

SIMPSON of Androscoggin

JACKSON of Aroostook

COURTNEY of York

Representatives:

BOLAND of Sanford

BROWNE of Vassalboro

WILLETTE of Presque Isle

HAYES of Buckfield

BEAUDETTE of Biddeford

CLARK of Easton

HARVELL of Farmington

KAENRATH of South Portland

SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-300)** on same Bill.

Signed:

Representative:

COTTA of China

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-299)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 20, 2009.

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 528) (L.D. 777) Bill "An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

(H.P. 546) (L.D. 797) Bill "An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)**

(H.P. 650) (L.D. 947) Bill "An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)**

(H.P. 808) (L.D. 1169) Bill "An Act To Amend the Election Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

(H.P. 823) (L.D. 1199) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 835) (L.D. 1210) Bill "An Act Pertaining to Volunteer Lobbyists for Nonprofit Organizations" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)**

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

**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Designate a Specialty State Lottery Ticket To Benefit Cancer Education and Awareness"

(H.P. 532) (L.D. 781)

Signed:

Senators:

SULLIVAN of York  
PLOWMAN of Penobscot  
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn  
CORNELL du HOUX of Brunswick  
PINKHAM of Lexington Township  
VALENTINO of Saco  
TRINWARD of Waterville  
CAREY of Lewiston  
NASS of Acton  
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)** on same Bill.

Signed:

Representative:

FITTS of Pittsfield

**READ.**

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Fellow Members of the House. I would kindly ask your consideration on this motion of Ought Not to Pass, and I would invite you to listen for just a few minutes. This is a bill that was to create a specialty Maine State Lottery scratch ticket and it was to benefit the Maine Comprehensive Cancer Control Plan. I'd like to hope that you folks have heard a little bit about this over the last four months or so, and I'd hope to know that you folks have learned that cancer is the number one killer of Maine citizens, and I think it's pretty fair to say that we all know there is not a lot of money hanging around. However, I worked really hard to try to come up with some creative solutions to fund the Maine's Comprehensive Cancer Education Plan, because I feel that strongly about the need to stop cancer and the importance of early detection. Early detection saves lives. Early detection, by the way, saves money.

So how does one get a public education campaign funded? Well, you have to think of some creative ideas. Okay, so here we go, in Illinois, they have a scratch ticket and it happens to benefit breast cancer and it's the coolest little program that they have out there, and that's what gave me the idea to bring this to Maine. As far as I know, no other states have a scratch ticket to benefit cancer, but cancer does not discriminate; it is statewide; it is in every nook and cranny of this state; and it is at every age and demographic that you can think of.

So why aren't you seeing a unanimous Ought to Pass Report? Well, the committee listened to a lot of different testimony, a lot of different facts and figures, a lot of different heartfelt stories from young people who have cancer, who never really heard the word cancer, and it said we need to talk about this. So we have a scratch ticket idea, and, yes, it costs money. It costs money because there are other scratch tickets and it might take away from those scratch tickets, sort of a competitive issue. So I do have a fiscal note that is attached to this bill. It's about \$350,000 for year one and about \$800,000 for year two, and that's figuring that it would cannibalize 100 percent of other tickets. Well I don't think it will cannibalize 100 percent, it will probably cannibalize some; however, I have no way to absolutely guarantee that other than to tell you that, on a correlation, the pink license plates almost, in the license plate conversation through the Transportation Committee, you folks have heard all about it, but it takes away from other licenses plates, specialty license plates. Well 40 percent of the pink plates are brand new conversions to specialty license plates, so I know that cancer is a driving market driven force. So, Ladies and Gentlemen of the House, my contention would be to you that we would bring new scratch customers to the Maine State Lottery.

The other important piece of this ticket is the awareness factor. Imagine a ticket and it's going to have information about early detection saves lives, it's going to have information, maybe with an 800 number, it's going to have some messages about early detection saves lives. It's going to talk about the importance of understanding and recognizing this thing called cancer. So this scratch ticket is about awareness, the scratch ticket is about raising some funds, and the scratch ticket is about saving some Maine lives. Sure, there are a number of tickets out there, and there is one other one that is a specialty ticket. I



proposed to the committee in the work session that the state keep their fiscal note, whatever they want to put on it, because I feel that confident that we will sell over and above what the amount is the state considers to be of the whole; therefore, it should erase the fiscal note. However, you're into that thing called dynamic fiscal notes and we don't do that, so, Ladies and Gentlemen of the House, I need your creativity hats on, I need your passion to see cancer talked about in this state, and, gee, wouldn't it be nice the day that we don't have to talk about our number one killer like this, and I need your faith that we can bring new customers to the lottery and to do that. So basically what I'm saying is turn this report around, I need you to vote red, and then to Accept the Minority Report, and we passed this with great gusto, we get this through to Approps and we work it out there on what we need to cover for that. We know in other tickets that they've brought in well over \$1 million in sales, so I feel that there is no other broad audience market than cancer, and we know from a lot of people who are currently not lottery customers that this is a ticket they would buy. Ladies and Gentlemen, kind of a long story, this is a little bit unique idea, it's not popular from the lottery's perspective because I can't guarantee them that I'm going to bring them brand new customers, but there's no way to figure that out unless we try. Strike one for creativity here and help me defeat cancer, and Madam Speaker, I would love to ask for a roll call please.

Representative STRANG BURGESS of Cumberland **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 Waterville, Representative Trinward.

Representative TRINWARD: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would like to stand to speak to appreciate Representative Strang Burgess' hard work, tireless effort and continuing information for all of us to fund her program for cancer. I also am a cancer survivor and appreciate what she's done for all of us. I do recognize that Maine does have a serious cancer problem; however, we have to recognize the policy of the committee. This is one in many, many different lottery tickets that have been presented to us that would go for a very worthy cause.

As a member of Legal and Vets last year, we were charged with turning down a lottery ticket that would benefit veterans. We have already, this session, turned down a lottery ticket that would benefit the Boys and Girls Clubs for Native Americans. Every year we see these tremendously worthy and valuable causes come before our committee, and, with heavy hearts, we need to turn them away. The reason we do turn them away is because it has been proven beyond a shadow of a doubt that this would indeed have a large fiscal impact to the General Fund. We have not increased the number of people that participate in the lottery, we just diverse the tickets that they buy. We have a ticket now that does not benefit the General Fund, so we have all of the statistical analysis we need to prove that, so we have continued to support that the lottery tickets are a mainstay of the General Fund, and I'm asking you to follow my light to support this policy in our tough fiscal times.

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. 91**

YEA - Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain,

Carey, Chase, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Crockett P, Dill, Dostie, Duchesne, Eberle, Finch, Flemings, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Knight, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McKane, Miller, Morrison, Nass, Nelson, O'Brien, Percy, Perry, Pieh, Pilon, Pinkham, Piotti, Pratt, Priest, Rankin, Richardson D, Richardson W, Rotundo, Smith, Stevens, Sutherland, Sykes, Theriault, Thomas, Trinward, Valentino, Wagner R, Watson, Weaver, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Adams, Austin, Ayotte, Briggs, Browne W, Burns, Campbell, Casavant, Cebra, Clark H, Clark T, Cray, Crockett J, Curtis, Cushing, Davis, Driscoll, Eaton, Edgecomb, Eves, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Hunt, Johnson, Jones, Joy, Knapp, Kruger, Lewin, Martin JR, McCabe, McFadden, McLeod, Millett, Nutting, Pendleton, Peoples, Peterson, Plummer, Prescott, Robinson, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Strang Burgess, Stuckey, Tardy, Tilton, Tuttle, Wagner J, Wheeler.

ABSENT - Celli, Connor, Langley, Rosen, Thibodeau, Treat, Van Wie.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**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.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-173)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-174)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment"

(H.P. 46) (L.D. 53)

TABLED - April 29, 2009 (Till Later Today) by Representative HASKELL of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Minority **TO PASS AS AMENDED** Report.

Subsequently, Representative HASKELL of Portland **WITHDREW** her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-173)** was **READ** by the Clerk.

Representative MARTIN of Eagle Lake **PRESENTED House Amendment "A" (H-317)** to **Committee Amendment "A" (H-173)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you, Madam Speaker. Members of the House. I don't think I've ever dealt with a bill that's been as confusing in my legislative career, and, for the benefit of the members who did not go through, I think the Committee on Criminal Justice has seen every side of this issue and part of the problem was because, frankly, the board and the department misled not only the committee but myself as to basically where we were.

Prior to the hearing, I had a conversation with the board who indicated that there in fact had been a rule, and then, we got to the public hearing, they basically said there had not been a rule and nothing had been suspended. Two weeks later, when the committee started to work on the bill again, guess what? The rule was found, so there was a great deal of frustration, not only on my part but on the part of the committee, and so I appreciate that the committee went through and, frankly, when the bill came out of committee, I really had no idea why I wanted to go, because my original bill actually went further than what I'd originally had intended. What we have before us and, frankly, as I told members of the committee, I'm willing to live with any version, but I want to make sure that we have a version that passes, and I was concerned what the other body might do so I basically have offered this amendment in a way to try to bring everyone together. It doesn't quite do it to the benefit of everyone, but what it does do is to go back to what we believe to be the rule, and that was if you had a flue—and that's not swine flu—but if you had a flue that was in existence prior to a certain date that you could then put another heating element on that particular flue, and that's what this will do. It does not, for the future, provide an excuse from having two flues, and my position was that if you build a new house, it is relatively inexpensive to have that second flue; however, if you have a house that has one flue and then you try to add another chimney to put the second flue in, you might as well start building a new house because that cost is extremely high, because I went and took a look at it. What this does is try to go back to where we were prior to what the board did, and so for those who went all the way to my original bill, I really want to thank them, but I'm hoping we might come on to this one so we can get this enacted in this fashion.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I feel very inadequate to rise today and speak in opposition to the good Representative from Eagle Lake, but I'm going to do so. This has been a very confusing process that we've been through. It seems like this is the first one we tackled and, myself being a freshman legislator, I learned a lot from this process, but I'm very concerned with where the bill is heading at this point. This is a very, very important bill and important item for those of us who live in rural Maine and those who find out choice or necessity to burn wood and oil, possibly, in your homes. If we follow the good Representative from Eagle Lake's House Amendment, this will preclude everybody that has installed two fuels into one flue since 1982 to now and in the future. So it grandfathers everybody before—I'm sorry, 1998 is the date—it grandfathers everybody, such as myself, who was burning wood and oil in one flue prior to that. But everybody that's installed one since then is not covered by this, so this is going to create a safety situation. This will mean that if anybody wants to do repairs on their boiler or on their wood furnace, they're not going to be able to call a licensed oil burner inspector to come and do that, which is what I would always recommend. They're going to try to do the repairs themselves or go without repairs, because this is going to require them to either discontinue one of those fuels or to build another chimney, and you can imagine the costs involved in that.

The other reason that I'm not supporting this is that there has been absolutely no evidence produced, and we asked several times in our committee for evidence that shows that burning two fuels in one flue was a danger. Providing that you have a carbon monoxide detector in your home, there is no evidence to show that there is a danger there created. It's been done for many, many decades; it's done safely; it's just like anything else: you

have to take necessary precautions and, if you choose to burn wood in your home, you have to take care of your chimney, it doesn't matter if you have two fuels or one, you have to take precautions when you burn wood. So this doesn't add to the danger level by having two fuels, as long as you have a carbon monoxide detector, and that's why I support Committee Amendment "A", which does require you to have a carbon monoxide detector in your home if you choose to burn two fuels in that chimney. It's a perfectly acceptable, I think, exception to the original bill, Representative Martin's original bill, and it will not prevent or not require all those people in our state who burn two fuels to discontinue doing that or build another chimney in their home, which we're talking about many thousands of dollars if it can be done. I would strongly urge you to reject House Amendment "A" and support Committee Amendment "A" and follow my light. This is a very important and costly issue for people who live in the rural communities. Thank you, folks.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like to, I guess not necessarily disagree with the good Representative, but provide you with a little additional information. Currently, in the State of Maine, if you have a new installation, in other words, if you decided you want to put in a new stove or a device, you are already, and have been since 1998, required to have a separate flue for that. There is no change to that. You are still required to have that separate flue and have been for the last 11 years, that's been the law, that's been the rule, and it is also the recommendation of almost all of the manufacturers of boilers that they be in separate flues.

What Representative Martin's amendment does is it simply takes us back to allow the grandfathering of those folks who were in place as of 1998, and the rule also does allow for a replacement of an existing so, if a hole burns in the bottom of your wood stove, you can put another one in, that is allowed, that's replacement of an existing and that is allowed, and so you can call a licensed dealer in order to come and fix that because it is allowed, and that's what this grandfathering is about. It continues to allow for the two fuels to be in one flue if it was in existence prior to 1998, and Representative Martin, having listened to many of the debates in our committee, had the good sense to add on to here the installation of a CO detector. We have been dealing with another bill regarding that for new construction. So this bill simply takes us back to where we have been and it keeps in place the law which has been in place for the last 11 years, and so I would urge you to support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Members of the House. I've been asked by at least three notes, why 1998? When my original bill was put in, it was to go back to the rule that was in existence and that was the date, because that rule was in place and then, subsequently, last year, was repealed by the board. That's what I referred to earlier in my comments. So what we want to do is go back to where we were, and that's why that date is 1998.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I rise in support of Representative Martin's amendment "B". I've had much contact with many citizens in my district, particularly the elderly, who have really struggled with this issue. They cannot afford, living

on fixed incomes, to pay \$3,000 to \$5,000 to have a new chimney installed in their old homes and have been burning wood and oil in the existing chimney. I, myself, am in that same situation. I'm a widow on a fixed income, and I cannot afford that kind of a cost. I did check with my large town and the fire department there, and they felt that some of them had been working in their departments for 30 years, working with a number of people who had two devices on this one flue, and they have never had a problem of safety with this. So I strongly recommend that you support Amendment "B". 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. Ladies and Gentlemen, I want you to remember something that's happened to us within the last 10 or 12 months here: The cost of fuel oil last fall was in the vicinity of \$4 a gallon; fortunately, it's about half of that now. But what happened, I know in my district, and a lot of people in the State of Maine decided they couldn't afford \$4 a gallon, so they went and bought a wood stove—look at the increase in the number of wood pellet stoves that we've had—and they've installed them. Ladies and Gentlemen, they've installed these in a chimney with a single flue that also has an oil burner on there. I would venture to say, although I can't prove this, thousands of them, and I'm afraid, if we pass this amendment, what we're going to do is to set up a class of people who will not be able to do that if their furnace fails, and they all fail, because the law says that you can't do that and they have a choice: They can either take that wood pellet stove out that they bought and their ton of wood pellets or whatever they happen to have, they can't use it anymore, so that they have just one, the oil burner, device on that single flue. Now they have a choice: They could do that and then they could vent the wood stove out the window, or they could vent the wood stove out the side of the house, or they could decide to tear the chimney down, build a new chimney at whatever cost that is, and run both devices, because they can put in two flues.

Ladies and Gentlemen, what the committee did—and, by the way, it was a 9-4 Ought to Pass Committee Amendment "A"—simply says that it allows the use of a single flue to vent appliances that use different fuels, as long as a carbon monoxide detector is installed. That protects those people when their furnace fails, and, Ladies and Gentlemen, they all fail. Thank you.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Just a reminder: If you did everything legally, you can replace that boiler, that is existing in the law. If you've made your hookups appropriately and legally and you had somebody come and do it appropriately, that boiler can be replaced. Thank you.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-317) to Committee Amendment "A" (H-173)**.

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 Adoption of House Amendment "A" (H-317) to Committee Amendment "A" (H-173). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 92**

YEA - Adams, Beaudette, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P,

Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Gilbert, Goode, Greeley, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Edgecomb, Fossel, Gifford, Giles, Hamper, Harvell, Hill, Johnson, Jones, Joy, Lajoie, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Pinkham, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver, Welsh, Wheeler.

ABSENT - Celli, Langley, Millett, Rosen, Treat.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-317) to Committee Amendment "A" (H-173) was ADOPTED.**

**Committee Amendment "A" (H-173) as Amended by House Amendment "A" (H-317) thereto was ADOPTED.**

The Bill was assigned for **SECOND READING** Wednesday, May 20, 2009.

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

Representative **WHEELER**: Madam Speaker, if I was here yesterday, I would have voted yea on LD 393, LD 545, LD 896, LD 1335 and LD 783.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing Arlene Greenleaf, of Bethel.

(HLS 345)

Which was **TABLED** by Representative BRIGGS of Mexico pending **PASSAGE**.

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

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to share with you the story about an amazing woman and her incredible journey. Her name is Arlene Greenleaf of Bethel, who is here with us in the gallery today, and she just arrived and I thank you for your patience. She is celebrating Emergency Medical Services, or EMS, week throughout the State of Maine. Arlene has been a dedicated leader in EMS services throughout her entire career of 37 years. Arlene was responsible for providing thousands of hours of continuing education programs she conducted to keep EMT's licensed during her career. She was responsible for so many of today's EMT's in the State of Maine that she taught at the beginning of their careers. She was also responsible for teaching and certifying hundreds, if not thousands of people in CPR. The direct patient care she has provided to so many people

during their time of need has never gone unnoticed and will never be forgotten by the patients and professionals who have worked along side of Arlene day in and day out. She has clearly impacted and provided care to thousands of patients throughout her career.

In the beginning, Arlene and her husband started the EMS system in Bethel through a funeral home delivery service. The current Bethel Ambulance Station has been dedicated in Arlene's name. She also served for many years as the Chief of Bethel Rescue Service. Arlene has since worked for Med-Care Ambulance in Mexico for the past 16 years as she served as full-time and part-time employee during her tenure with Med-Care Ambulance up until her recent retirement in April, 2009.

On July 5th, 2007, Arlene became permanently disabled when she was severely injured in the line of duty while she and her paramedic partner, Allan Parsons, were transporting a female patient to Central Maine Medical Center in Lewiston. This patient had been injured earlier in the evening when involved in an All-Terrain Vehicle accident on Colonel Holman Mountain in Dixfield. The patient received serious injuries and required more extensive care at CMMC. While the ambulance was traveling on Route 4 in Turner, with lights and sirens going, the ambulance was struck in the front driver's side by a full-sized pickup truck driven by an intoxicated driver who failed to stop at a stop sign coming off from Potato Road onto Route 4. Arlene attempted, in the split second that she had, to avoid the impact. However, it was to no avail, and the vehicles impacted with tremendous force. The force immediately crumpled the front driver's side compartment onto Arlene, trapping her in the cab of the ambulance. The impact also caused her paramedic partner, Allan Parsons, to be thrown about the patient compartment to which he sustained life-ending injuries. The patient was also ejected from the stretcher and miraculously survived the ordeal. However, the patient did sustain greater injuries than she originally had from her prior ATV accident. Many emergency services were activated to this scene including Turner Rescue & Fire Department, United Ambulance Service out of Lewiston, and the Auburn Fire Department responded with the Jaws of Life. It took a substantial amount of time to disentangle Arlene from the impact and the wreckage. She sustained severe trauma to the chest, abdomen, and lower extremities. The damage Arlene received to her lower extremities has left her permanently disabled, and were severe enough to be career ending injuries from her 37 years of dedicated EMS services within the State of Maine. Arlene spent several days in the hospital and required surgery on her extremities and will likely require additional future surgeries as well. Arlene also spent several weeks in a nursing/rehabilitation facility trying to recover from her surgeries and injuries, as well as the fact that she has had a long course of physical therapy that is still ongoing. Though strong-willed as she is, many things have changed in Arlene's life. Many modifications have been made to her home to help her cope with her injuries such as wheelchair accessibility, along with the use of a walker, crutches, and cane.

The 124th Legislature wishes to extend our deep appreciation and gratitude to Arlene Greenleaf. Thank you for your many years of dedication to the emergency medical services profession and to the people of the State of Maine. Arlene, we send you our best wishes, and thank you.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. If you grew up in Bethel as a young woman, it was very hard not to be influenced by Arlene Greenleaf. She was everywhere you'd want

to be, whether it was coaching field hockey, and my mother swears that there were back to back Telstar field hockey championships as a coach from Ms. Greenleaf, many, many years ago, and if you know anything about Telstar, you'll know field hockey is a very important sport to that high school. You see, Arlene spent a lot time in the school system. She really, really cared, not just about our community, but about the kids under her care and particularly to young women such as myself.

Arlene is both an extended grandmother to me as well as a teacher. For many years, she served the school system out in Telstar and the surrounding area, as a substitute teacher, so whether I was yay high or yay high, she taught me many, many days out of the year. It also happens that her stepdaughter is my mom's best friend, which makes her very much like a grandmother, and I can tell you there were countless days when I would be welcomed warmly into her home, again, yay high or yay high, to enjoy cookies and conversation. She was a remarkably warm woman, who takes very seriously education, as evidenced by her commitment to substitute teaching and to her commitment to the adult education career work that she did to make sure that other young adults and older adults would have opportunities to invest themselves in the emergency medical field. It is no accident that her daughter is a nurse, her son works for the emergency medical services as well, and my mother, who is like an adopted daughter to her, is also a nurse and going for PhD right now in nursing.

The influence that Arlene Greenleaf has extended to the Bethel area is so remarkable and it just warms my heart, and I was very pleased to see that she is in the gallery today, and I hope she knows how much I love her and she may not have even known that one of her own protégés, Ann Russell's daughter, is in the State House. So thank you, it is a true honor to have Ms. Greenleaf in the gallery. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just want to take a moment to add my voice to the congratulations for Ms. Greenleaf on her retirement. The Representative from Mexico, Representative Briggs, described the horrendous accident that changed Ms. Greenleaf's life forever, and also the amazing contributions that she has made to EMS services in Maine.

My connection to this is through Allan Parsons. He was the EMT who did not survive the crash. I had the unfortunate task of presenting memoriam in his memory, but he was a former resident of Monmouth, he coached my sons in some of their sports activities. He is still missed, and it's for him and for the people of Monmouth that I want to add my congratulations to Ms. Greenleaf today. Thank you.

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 289) (L.D. 742) Bill "An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)**

(S.P. 396) (L.D. 1062) Bill "An Act To Protect Artists and Art Galleries" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 431) (L.D. 1183) Bill "An Act To Prevent Predatory Marketing Practices against Minors Regarding Data Concerning Health Care Issues" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)**

(S.P. 530) (L.D. 1445) Bill "An Act To Clarify and Strengthen the State's Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)**

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

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On motion of Representative BRIGGS of Mexico, the House adjourned at 11:11 a.m., until 9:00 a.m., Wednesday, May 20, 2009.