

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

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Wednesday, May 20, 2009

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

Prayer by The Reverend Calvin Sanborn, St. Matthew's Episcopal Church, Hallowell.

National Anthem by Monmouth Middle School 5th and 6th Grade Chorus.

Pledge of Allegiance.

Doctor of the day, Daniel Summers, M.D., Hallowell.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Increase Youth Boating Safety"

(H.P. 829) (L.D. 1204)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** in the House on May 18, 2009.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act Pertaining to the Possession of Animal Fighting Paraphernalia"

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

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on April 8, 2009.

Came from the Senate with the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-137)** in **NON-CONCURRENCE**.

Representative PIEH of Bremen moved that the House **RECEDE AND CONCUR**.

On further motion of the same Representative, **TABLED** pending her motion to **RECEDE AND CONCUR** and later today assigned.

Non-Concurrent Matter

Resolve, To Encourage Access to Higher Education for Certain Child Care Providers

(H.P. 736) (L.D. 1069)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221) in the House on May 6, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221) AS AMENDED BY SENATE AMENDMENT "A" (S-169)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 185)

STATE OF MAINE

124TH MAINE LEGISLATURE

May 18, 2009

Honorable Elizabeth M. Schneider, Senate Chair

Honorable Nancy E. Smith, House Chair

Joint Standing Committee on Business, Research & Economic Development

Augusta, Maine 04333

Dear Senator Schneider and Representative Smith:

Pursuant to Joint Rule 309, we have taken LD 1, "An Act To Stimulate Capital Investment for Innovative Businesses in Maine" and LD 1389, "An Act To Create State and Regional Quality of Place Investment Strategies for High-Value Jobs, Products and Services in Maine" from your committee. As you know, the deadline for voting on these bills was Friday, May 15th and, as we directed, LD 1 and LD 1389 have been delivered to the Secretary of the Senate without a committee report. Please see us if you have any questions.

Sincerely

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 356)

MAINE SENATE

124TH MAINE LEGISLATURE

OFFICE OF THE SECRETARY

May 19, 2009

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Labor on Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists" (H.P. 695) (L.D. 1007).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Bangor High School Junior Engineering Technical Society teams (JETS), which won the State competitions for the eighth year in a row. Varsity A team went on to place 12th in the nation, and Varsity B team placed 23rd in the nation. More than 2,200 teams in the nation participated. The JETS are coached by Mark Brittelli. We extend our congratulations to the members of the teams on their winning the State competitions and for their impressive performance in the national competition, and we send them our best wishes on their future endeavors;

(HLS 350)

Presented by Representative GOODE of Bangor. Cosponsored by Senator PERRY of Penobscot, Representative BUTTERFIELD of Bangor, Representative STEVENS of Bangor, Representative MARTIN of Orono.

On **OBJECTION** of Representative GOODE of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

Recognizing:

the Bangor High School Math Team, Bangor Red, on its winning the 2009 State Championship. The team is coached by Stephen Godsoe. We extend our congratulations to the team on this accomplishment;

(HLS 351)

Presented by Representative GOODE of Bangor. Cosponsored by Senator PERRY of Penobscot, Representative BUTTERFIELD of Bangor, Representative STEVENS of Bangor, Representative MARTIN of Orono.

On **OBJECTION** of Representative GOODE of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to recognize the Bangor High Junior Engineering Technical Society, also known as JETS. After winning the state competition this year, the team participated with 14,000 other high school teams across the country at the Tests of Engineering, Aptitude, Mathematics and Science Competition. The team has swept the state competition for the eighth year in the row, and, just last month, it was announced that they scored 12th in the nation, out of 2,206 schools in their division, at the Tests of Engineering, Aptitude, Mathematics and Science Competition.

Also, I just want to briefly acknowledge, many of the members on the team are also on the Bangor High Math Team. The Bangor Red Team has won the state championship this year, and they join us with their coach, Stephen Godsoe. So I hope all the members of the House will join me in recognizing their accomplishment.

Subsequently, the Sentiments were PASSED and sent for concurrence.

Recognizing:

Wild Oats Bakery and Cafe, in the Tontine Mall in downtown Brunswick, on its being recognized as a 2009 Editors' Choice in *Yankee Magazine's Travel Guide to New England*. The Editors' Choice recommendations designate *Yankee* editors' and writers' favorite attractions across New England. Wild Oats Bakery and Cafe was selected as the Best Taste of Home of 2009. We

extend our congratulations to everyone involved in the success of this bakery, cafe and deli on its receiving this regional honor, and we send our best wishes for its future success;

(HLS 352)

Presented by Representative CORNELL du HOUX of Brunswick. Cosponsored by Senator GERZOFKY of Cumberland, Representative KENT of Woolwich, Representative PRIEST of Brunswick.

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

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative BEAUDETTE for the **Joint Standing Committee on State and Local Government** on Resolve, Regarding the Maine State Cultural Building in Augusta

(H.P. 1033) (L.D. 1480)

Reporting **Ought to Pass** pursuant to Resolve 2007, chapter 151, section 4.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE** and was assigned for **SECOND READING** Thursday, May 21, 2009.

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Education and Cultural Affairs"

(S.P. 252) (L.D. 677)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

FINCH of Fairfield
CASAVANT of Biddeford
McFADDEN of Dennysville
JOHNSON of Greenville

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

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 93

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

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

ABSENT - Bryant, Celli, Connor, Cotta, Cushing, Haskell, Jones, Kaenrath, Pilon, Robinson, Saviello, Smith, Webster.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)** on Bill "An Act To Amend the Private Way Laws with Regard to Road Associations"

(H.P. 918) (L.D. 1315)

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach
PEOPLES of Westbrook
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro

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

Signed:

Representatives:

MAZUREK of Rockland
THOMAS of Ripley
CEBRA of Naples

READ.

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

Representative THOMAS of Ripley **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In the five years that I've been on the Transportation Committee, there is probably no more difficult an issue than private roads, and let me just give you an example: Suppose you own a piece of property and yet there's a road that crosses that property, but you don't use it. It's for the benefit of people that live in behind you, that have houses or have real estate or need to use that road in behind you. How do you assess the cost of maintaining that road? You're not using it, the people who live in behind you use it, but it needs to be repaired, it needs to be paid for, it crosses your property. Those three people can call a meeting and they can vote to assess the cost based on the distance, and what if it crosses your property more than anyone else's? You can end up paying more of the cost of maintaining that road than anyone else, and yet it doesn't benefit you, except for where it goes across you, and you don't use it. So it's an opportunity for other people to pick your pocket, really, for the lack of a better way of putting it, and it's a contentious issue, so how do you assess the cost of maintaining that road? Do you assess it on distance? Do you assess it on the value of your property? Maybe your property is the most valuable and there a couple of three camps in there, and yet you can maintain a road that really doesn't benefit you and you can end paying the most.

Two years ago, we had a bill and we addressed the private road issue, and we've done as good a job as I've seen since I've been here. In both, no one came to object to the way that we cured the problems. No one has had problems with it. It's okay. Now the Department of Environmental Protection comes in and they think they've got all the answers, and they're going to change all the rules, and they're going to change the way that we call a meeting, they're going to allow municipal equipment to work on those roads, they're going to allow all kinds of things and it hasn't been thought through. I think this needs to be thought through a lot more carefully, and if we're going to reopen this issue, we need to be very, very careful because, as anybody on the Transportation Committee can tell you, this is a tough and touchy issue and we don't need to be messing with it. So I would urge you to vote against the motion. Thank you.

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 rise to let everybody know it was thought through. This actually is the result of a camp road association task force that was tasked with meeting and trying to resolve some of these issues.

To give you a little history, we have a problem with camp roads. They used to be, for the most part, small, seasonal, sometimes of rather uncertain origin, more traditional than

anything we've planned, and that used to work when we had a lot of seasonal camps that were there mostly in the summer. But as Maine has grown and as we've really learned to enjoy our lakes with permanent residences, a lot of these camp roads are now being used full time, year round, under very muddy conditions in some cases, and yet there is no one responsible for maintaining these. We've noticed for a long time that they were impacting not only the quality of the neighbor's property, but also the quality of the lake, and we've been wrestling with that in the Natural Resources Committee for quite some time. We realized there was no way that we would want to spend state resources to go out and try to do enforcement on bad roads. That's not really the task of DEP and nothing we would want to spend resources on.

We've recognized for a long time that camp roads are part of our infrastructure, but they're not part of our responsibility of municipalities, nor are they necessarily the individual owners. They're not exactly driveways and they're not exactly town roads, so we've had this gray area for a long time and the problem keeps getting worse. The Natural Resources Committee told the DEP, go get the stakeholders together, Senator Richard Nass served in that, for instance, because there's a lot of lakes in southern Maine and some of my area that really have some serious water quality issues, and they've identified the reasons as runoff from camp roads that no longer are able to serve the kind of populations they're now asked to. So the task force actually did that study and they came forth with a lot of different recommendations, some model ordinances for municipalities. They came forth with three pieces of legislation that have been before this body: one went to Judiciary, one went to Natural Resources, one went to Transportation. The other two came out unanimous reports, because they were reasonably well thought through. This one comes out as a divided report, but fairly strong majority, because in fact Senator Nass and many of the members of that committee had done a pretty good work of figuring out how we address this.

What the bill was asking to do was amended the private ways law so that a road association knew how to legally call a meeting, so that they can attend to the problems that have been identified. The way the bill has come out of committee, it also makes clear under what circumstances a municipality is able to contribute some resources to maintaining a road that is contributing to water quality issues, which has the threat of lowering the tax base for everybody else in town. So the committee actually did think it through, the task force; it did come to the Transportation Committee, which did some substantial amendments to the bill to improve it, and so, at this point, I think it has been thought through. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Two years ago, the Transportation Committee struggled with the bill on road associations. It seems that these road association bills are only second to, say, motorcycle helmet bills that come before the Transportation Committee in repetition. I think the work we did two years ago, that's current law, on these road associations, hasn't had enough time to be tested. I think this is, with all due respect, meddling in an area where I don't think we have the consensus of all of the stakeholders that have come before Transportation. I concur with the Representative from Ripley that there was, in my opinion, no compelling evidence to say that we needed to do this now, and I think it's just meddling. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As you can tell, this is an important issue to me. My friend from Hudson says that the camp owners all got together, and I'm sure they did. What about the thousands and thousands of miles of logging road? Do we forget about them? They're private roads, you know. As near as I can tell, those people were left out of the discussion. We have lots of ways to address water quality issues. The DEP has more than enough authority. They don't need to be meddling in private roads issues. Thank you.

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

ROLL CALL NO. 94

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Millett, Morrison, Nass, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Plummer, Pratt, Priest, Rankin, Rosen, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Burns, Campbell, Cebra, Chase, Clark T, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgcomb, Fitts, Fletcher, Gifford, Greeley, Hamper, Harvell, Johnson, Joy, Langley, Lewin, McFadden, McLeod, Nutting, Pinkham, Prescott, Richardson D, Richardson W, Sarty, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Connor, Cotta, Jones, Pilon, Robinson, Saviello, Webster.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-316)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 21, 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. 673) (L.D. 971) Bill "An Act To Amend the Laws Governing Liquor Liability and Licensing" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)**

(H.P. 903) (L.D. 1300) Bill "An Act To Establish Head Injury Safety Requirements for School Athletic Programs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

(H.P. 928) (L.D. 1324) Bill "An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)**

(H.P. 950) (L.D. 1349) Bill "An Act To Streamline Ratemaking for Consumer-owned Water Utilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)**

(H.P. 1025) (L.D. 1474) Bill "An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)**

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. 289) (L.D. 742) Bill "An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse" (C. "A" S-166)

(S.P. 396) (L.D. 1062) Bill "An Act To Protect Artists and Art Galleries" (C. "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" (C. "A" S-161)

(S.P. 530) (L.D. 1445) Bill "An Act To Clarify and Strengthen the State's Motor Vehicle Laws" (C. "A" S-167)

(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"

(H.P. 961) (L.D. 1371) Bill "An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington"

(H.P. 466) (L.D. 652) Bill "An Act To Clarify the Maine Uniform Building and Energy Code" (C. "A" H-301)

(H.P. 528) (L.D. 777) Bill "An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices" (C. "A" H-315)

(H.P. 546) (L.D. 797) Bill "An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names" (C. "A" H-312)

(H.P. 626) (L.D. 908) Resolve, To Authorize Efficiency Maine To Conduct a Pilot Conservation Program (C. "A" H-308)

(H.P. 650) (L.D. 947) Bill "An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program" (C. "A" H-313)

(H.P. 719) (L.D. 1044) Bill "An Act To Promote Cogeneration of Energy at Maine Sawmills" (C. "A" H-302)

(H.P. 808) (L.D. 1169) Bill "An Act To Amend the Election Laws" (C. "A" H-311)

(H.P. 823) (L.D. 1199) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" (C. "A" H-314)

(H.P. 835) (L.D. 1210) Bill "An Act Pertaining to Volunteer Lobbyists for Nonprofit Organizations" (C. "A" H-310)

(H.P. 921) (L.D. 1318) Bill "An Act To Create the Hancock Pond Water District" (EMERGENCY) (C. "A" H-303)

(H.P. 962) (L.D. 1372) Bill "An Act To Simplify Maine's Accountancy Laws" (C. "A" H-307)

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

(H.P. 303) (L.D. 415) Bill "An Act Relating to Interference with Navigation on Inland Waters" (C. "A" H-304)

On motion of Representative WATSON of Bath, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment"

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

(H. "A" H-317 to C. "A" H-173)

Bill "An Act To Modify the Informed Growth Act"

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

(C. "A" H-232)

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

Bill "An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals"

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

(C. "A" S-135)

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.

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)

(C. "A" H-299)

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.

ENACTORS
Emergency Measure

An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers

(H.P. 133) (L.D. 154)

(C. "A" H-112; S. "A" S-131)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Designate July 12th as Wyeth Day
(H.P. 979) (L.D. 1400)
(C. "A" H-251)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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
(H.P. 69) (L.D. 79)
(C. "A" H-49)

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

Acts

An Act To Track the Prevalence of Childhood Obesity in Maine
(H.P. 255) (L.D. 319)
(S. "B" S-164 to C. "A" H-130)

An Act To Allow the Licensing of Minibars in Hotel Rooms
(H.P. 318) (L.D. 430)
(H. "A" H-290 to C. "A" H-134)

An Act To Promote Public Safety Answering Point Efficiency
(H.P. 393) (L.D. 555)
(C. "A" H-254)

An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan
(H.P. 484) (L.D. 701)
(C. "A" H-250)

An Act Relating to Sales Tax on Certain Trailers
(H.P. 624) (L.D. 906)
(C. "A" H-262)

An Act To Amend the Laws Governing Legislative Ethics
(S.P. 365) (L.D. 982)

An Act To Provide a Sales Tax Refund for Fuel Used in Commercial Agricultural Production
(H.P. 720) (L.D. 1045)
(C. "A" H-247)

An Act To Improve Children's Safety in Public Swimming Pools
(H.P. 804) (L.D. 1165)
(C. "A" H-261)

An Act To Add Combat Action Badges and Ribbons to the Special Commemorative Decals for Veterans License Plates
(H.P. 814) (L.D. 1175)
(C. "A" H-264)

An Act To Revise the Charter of the Portland Water District
(H.P. 815) (L.D. 1176)

An Act To Amend the Laws Concerning Child Abuse and Neglect Councils
(H.P. 882) (L.D. 1263)
(C. "A" H-260)

An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters
(H.P. 914) (L.D. 1311)
(C. "A" H-263)

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 Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School
(H.P. 84) (L.D. 100)
(C. "A" H-255)

Resolve, To Review the Maine Registry of Certified Nursing Assistants
(H.P. 608) (L.D. 877)
(C. "A" H-259)

Resolve, Regarding New Utility Line Extension Construction
(H.P. 670) (L.D. 968)
(C. "A" H-253)

Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists
(H.P. 859) (L.D. 1240)
(C. "A" H-249)

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades
(H.P. 860) (L.D. 1241)
(C. "A" H-248)

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

An Act To Empower Anglers in Fish Stocking Decisions
(H.P. 497) (L.D. 714)
(C. "A" H-246)

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

On motion of Representative WATSON of Bath, was **SET ASIDE**.

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

An Act To Increase Snowmobile Registration Fees
(H.P. 559) (L.D. 823)
(C. "A" H-245)

On motion of Representative WATSON of Bath, was **SET ASIDE**.

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

The following item was 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 (7) **Ought to Pass as Amended by Committee Amendment "A" (H-236)** - Minority (6) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Create a Large Game Shooting Area in Piscataquis County"

(H.P. 252) (L.D. 316)

TABLED - May 7, 2009 (Till Later Today) by Representative PIEH of Bremen.

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

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I would urge that this body reject the pending motion, get to the Majority Report of the committee, as amended by Committee Amendment "A". I think this LD, sponsored by my good friend from Sanford, is a good bill that does not open the floodgates for commercial hunting opportunities across the state, provides for some equity and a potential economic development in Piscataquis County, and does not get to the issue, which appeared in the Representative from Biddeford, Representative Casavant's bill, of whether we're going to ban commercial hunting preserves in the state.

A little bit of history on commercial shooting areas in the State of Maine: In the late '90's, I think it was '97, this Legislature banned them but grandfathered, if you will, 11 or so existing shooting preserves. When the Legislature did that, it sort of implicitly created this franchise system, so what we have now is 11 licenses, seven which are active, and we have seven commercial shooting areas in the state. Representative Tuttle's bill would create an opportunity for an application in Piscataquis County. I submit to you that it's a very poor county; any type of economic development would be a positive development. I know; I run a business up there. I know what we're experiencing for hardships. I know that Piscataquis County is one of the poorest counties.

The committee amendment also allows that the existing hunting preserves would be able to diversify in these tough economic times, and expand the species that they could offer for hunt. Under existing law, if you are one of these franchise beneficiaries and, in 2001, you only offered, for example, red deer for hunt, you could not expand beyond that under existing law. This bill would take care of that. The Committee Amendment accomplishes the objective of my bill, which is LD 438, which appears on the Calendar today as Unfinished Business #1.

I appreciate the way this has been brought before this body, and we can accomplish a couple of objectives here from a process standpoint. It just makes sense that we ought to try to protect these small businesses that exist in the State of Maine, allow them to diversify in tough economic times, continue to protect over 1,500 acres of Maine forest and farmland. We so often talk about the need to protect against sprawl; this accomplishes that, it helps promote that. It provides opportunities for sportsmen and women. It allows revenue to stay here in the State of Maine. They are typically family owned, small businesses that are a small but valuable part of our economy. In my district, I have a commercial shooting area. The hunters that come in stay in my town's local establishments, they eat at my town's restaurants, my farmers buy from each other for feed. It is small but valuable. The notion that we are expanding commercial hunt preserves with any of these legislative vehicles is false. Nothing in this bill will create Jurassic Park; nothing in this bill will create Old MacDonald's Farm. It just makes sense that we expand opportunities and do so in a sensible way.

I appreciate my friend from Sanford bringing his bill forward. I find it curious that he has this interest in Piscataquis County. I often joked that I didn't think he went north of Augusta without a guide. I appreciate the concerns that he expressed about economic development in one of the poorest counties in the state. I urge the members of this body to defeat the pending motion and turn to the Majority Report. It's good work of the committee. I thank you, Madam Speaker, and I would request that the Clerk read the Committee Report.

Representative **TARDY** of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Thank you, the good Representative from Newport, Representative Tardy for speaking.

It is true. Ten years ago, a person who had been a member of this body, was a member of the other body, Senator Marge Kilkelly, was an avid sportswoman. That would be an understatement. She was the Senate Chair of the Inland Fisheries and Wildlife Committee, put in a bill to ban what was being labeled as canned hunting. It was called canned hunting because it was done in a confined area, where the cartoons and things that ran in the paper were around like someone shooting a fish in a barrel. I don't buy that, but that was what the mood was, the sense was, that it was unfair chase from the hunter's perspective. So that bill, of course, went to the Inland Fisheries and Wildlife Committee because it was about hunting. They couldn't come to any agreement on it, but they did decide that it wasn't hunting; it was farming, so it came over to the Agriculture, Conservation and Forestry Committee, and that's where our committee oversees the large game shooting areas, commercial shooting area. I kind of call them hunt farms.

I, myself, was in a quandary about how to deal with this bill, and what I did do was I went to visit the largest game ranch, and either online or on your desk you do have a picture of the large game shooting areas, and I went to visit the largest one and I was impressed with the way it was run. What happened was there were four hunters at the time, they were hunting Russian boar, and they were put in a tree stand, clearly where they couldn't hit each other if they shot, to watch for boar and they were not allowed to move out of that tree stand for safety reasons. They had been briefed in how to use guns, they don't need a hunting license, and they don't have a season, it's 365 days a year if need be. If in the morning a boar didn't come by, in the afternoon they went and got the dogs and brought a boar forward. If someone saw an animal and shot it, if it wasn't dead, they were not to shoot again, they were to wait and then the man who owns the hunting farm would come out with his dogs, track the animal and dispatch it.

My concern at the time was around the humane kill. I raise livestock and, when they go to the slaughterhouse, I go along with them and I make sure that they have a fast dispatch. While I did feel that he was doing the best they could, I did not sense it at that time and still don't in my heart of hearts feel that that was as humane as it could be. So that was why I at the time did not support moving forward with these hunt farms.

The mood of the Legislature at the time was split between economic development and the sense that these farms really were not in the character of Maine, so what we did was we said we would grandfather those that were currently running a farm so that we didn't hurt their economic opportunity, but that we would not expand them. We thought maybe there were five. By the

time people got through making up brochures saying they were offering animals to hunt, there were eleven.

To this day, there are five active farms that take more than 25 animals a year. The largest farm took 85 animals last year. Figure maybe the weekends are the busiest time for people to come, that don't have time to go hunt in the forest but still want to have the experience of shooting the animals. They can come, mostly on weekends, and the average, so for 85, which is the largest farm, is 1.6 animals per week. Most of the current reserves that we have are struggling financially. It's terribly expensive to put up the fencing to hold these animals, think about a Russian boar. If you've looked at hogzilla on YouTube, that's just a plain old hog, the Russian boars are huge. Confining them is expensive.

I actually will be withdrawing my objection to the other bill, LD 438, to allow the farms that we have currently active to be able to expand and perhaps increase their economic opportunity. That's the most of it from what I would want to say. You would want to know that they have a policy of "no kill, no bill", which means 85 percent of the people that come to one of these farms is successful, get to take home the meat, they do eat it, 15 percent are unsuccessful, and it's the other way if you're out hunting: 15 percent of deer are shot in a whitetail season and 85 percent of hunters are unsuccessful if their goal of hunting is to get something.

So that's the primary thing for me. I can't support the expansion. I did not support banning them. I think that the people who are doing it have put tremendous amount of economic commitment into it, but the idea of opening more of them, to me, is neither good economics for the folks that have them right now, who are struggling, nor is it in the character of what I think of as Maine. So I urge you to support the Minority Ought Not to Pass, and if there has not been a roll call requested, I would request one.

Representative PIEH of Bremen **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. How does a Representative from Sanford sponsor a bill to help Piscataquis County? I have a longtime friend of mine who has been in Sanford for a number of years, who has moved to Dover-Foxcroft area where his family came from, and he has a hunting lodge up there and he asked me to put this bill in. He is presently a major with the Maine Army National Guard, who has been assigned to Afghanistan and may our prayers be with him today.

About 100 years ago, Maine was the country's premier hunting destination. If you were to Google the top 100 whitetail deer hunting spots to hunt in America, Maine doesn't even show up. There are several game ranches in operation in Maine now, as you've heard before, but nothing in the Piscataquis area, as Representative Tardy said, which is a very difficult economic area, and we saw this as a way to improve the economic development up in that area. Such ranches have few problems since they are highly regulated. The industry has a good track record of controlling and regulating itself to prevent the spread of disease and other issues. In general, hunters are conservationists; they don't want the animals to disappear from the planet. Rather than Maine, hunters plan their trips to such states as Illinois which, 100 years ago, had no deer at all, but today have a well managed whitetail deer population. In other states, such as Illinois, Texas and California, there are similar

issues. They are doing the right thing to help the industry. The whole idea is to create an industry similar to the ones that we have those other states. The offshoot could mean more guarding jobs, filling restaurants and lodges, and more state revenues. Let the businesspeople try to make a living. We have created opportunities for guides, in particular, to work year round. You don't want to stifle the industry and if you can't have a hunting industry in the State of Maine then I think we're really in trouble.

As I mentioned before, the animals are well cared for; game ranches are a good environment; they teach safe hunting skills; the owners provide a quality experience; the meat of harvested animals is used; the opportunity for deer farms to diversify that are made profitable. The opportunity to sell animals to game ranches, it was mentioned at the public hearing that we have 54 deer ranches in Maine providing animals. We estimate that between 25 and 30 percent of the clientele are Maine residents. As mentioned before, the department regulates them; the revenue stays in Maine; they buy hay and feed from local suppliers, support butchers, taxidermists, a component of our agricultural economy. It attracts hunters to Maine during the off-season; it extends demands for tourism services, lodging and food establishments, advertising, sporting goods stores and sport shops. Large game hunting areas have worked in many parts of this country and can work in Maine if we work together on this issue. The owners have huge investments and, as has been mentioned before, game ranches are a fast growing industry in other parts of the country, and I think by passing this bill we will start the beginning in that area.

I know that Representative McCabe and Cray had sent a handout to you on the large game shooting areas. I hope that you would read that. I don't need to mention that the winter of 2007-2008 was devastating to the whitetail deer in central, northern Maine. Prevalent young people are not hunting in Maine. We really have a difficult situation in our economy. I would ask, this bill has been drafted to modify the original bill, I think it's a good compromise and I would ask for your support. I think it is a good bill with a limiting scope, and I would ask that you would defeat the pending motion so that we might accept the Majority Ought to Pass Report from the committee. 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. There are several of us in this body that are former Maine guides and I happen to be one of them, believe it or not, and this is not the tradition of hunting that I remember or want to support. The next thing we'll be doing is taking rabbits and putting them in little cages and shooting them. I'm against this idea of killing deer on farms. The next thing we'll be doing is going to the good Representative Pieh's farm and shooting her cows. Thank you very much.

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've gotten notes asking me why I am where I am on this, so I'm going to let you all know why I am where I am. This is as close as you're going to get to testimony on the floor of the House that is neither for nor against, but to provide information for your consideration. I am in opposition to this bill, which expands both the number of game preserves and the species that are allowed. On a motion to come after this one, I am in favor because it only does half of that.

Let me hit a few of the high points, and I joked about the fact that these are divided reports and I divided myself on them by being in favor of one and in opposition to the other. There are four points I want to make.

Economic development, what you're hearing is valid because of the infrastructure, both for the hunting population and the agricultural population. There is statewide impact of these farms with the raising of deer on other farms, that are then used in the game preserves; hay, supplies, materials. You heard about slaughter houses and taxidermy. That is a valid argument. I hope that you'll use that in your consideration.

Second, there is debate about humane kill versus fair chase. What I'd ask you to consider in this issue, in my mind, it is very comparable to bear hunting. There is hunting bear over bait and there's hunting bear with dogs. The other methods of hunting, of just going out with your rifle, is not feasible in the State of Maine because we do not have the line of sights in our woods that you would in Colorado, we can't see a quarter mile through the woods. That's the two ways that bears are hunted in this area. I think there are clear examples of humane kill and fair chase, because there is such a clear distinction. If you want to do a humane kill, kill a bear over a bear pile. If it's done right, the bear never knows the hunter is there and he's gone. That is as humane as it gets. Frankly, that's more humane than—I'll just leave it at that. That is an example of a humane kill. You may call it unsportsmanlike, but it's humane. On the other extreme is hunting bear with dogs. This is fair chase. That bear knows it's being pursued; it has the opportunity to escape; it also knows that it's being hunted. You can't have both. I can't think of any examples where you're going to have a humane kill and fair chase. There is generally a balance. In these preserves you have a balance between the two: You have professionals there to oversee the hunters, to make sure that it is humane and safe for the hunter; you also have fair chase, which gets me to the next point.

These are referred to as canned hunting, not simply by the House Chair of the committee, but that's how they're referred to, as she said, in editorial cartoons and conversations in the halls. It's an unfair characterization. It's a great sound byte and that's why we hang on to it, because it takes an awful long time to say large hunting game preserves, but it's not fair. The minimum size for one of these game preserves that has the species of deer is 50 acres. Can you visualize 50 acres? It's a quarter mile by a quarter mile square. It's 1,500 feet by 1,500 feet. If you were doing the other two species of bison or wild boar, the minimum is 400 acres. I didn't figure out the perimeter, I just am hoping you can expand that if a quarter mile by quarter mile is 50 acres, it's very large. This is not a can in any sense of the manner. There has been talk, at least in the committee, about that the animals are trapped against the fence. The fence is a straight line running through the woods. These animals are smart. If they come up to the fence, they move away. Why do you have the fence? Because the owners of these preserves own these animals. These are not wildlife, they have purchased them and they are there for a purpose. They are there to keep that investment in, because it's the investment of the owner, but also because just for plain safety because of wanting to keep these animals where they are in control.

A final aspect of this issue is I'm ambivalent about it because it is a mix of trophy and meat hunting. If this were pure trophy hunting, if we were talking lions and tigers and giraffes and zebras, I would be in opposition because that's where my ethics draw the line. But all of these animals can be used for meat, they are also used for trophy, I'm sure that they are looking for trophies when they hunt.

In closing, the line of thought that I use in both of the committees I work on is just because I don't do it doesn't make it wrong. I feel that way about bear hunting. I don't do it, I'm not interested in it, but I have thought about it and found my peace with it and I'm the same with this. As for it not fitting into the character of Maine, frankly, in my opinion, neither does Funtown Splashtown. I went once, I didn't like it, I won't go again. I would never try to ban anything like that. Just because I don't do it doesn't make it wrong. So that's why I am split on the different reports. I support the concept of expanding the number of species; I do not support expanding the number of these preserves in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. I just want to point out to the good Representative from Monmouth that she has never been to Funtown Splashtown with me in Saco, and I'm sure she would enjoy it if she came.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker, Madam Speaker, Ladies and Gentlemen of the House. I'm sure that many of you share this feeling, this sentiment that I have that I love the idea of 151 Representatives from all over the State of Maine, because we represent so many different kinds of communities, and one of the things that I have learned, being a Representative from the mid-coast area, though I am teased by the Rural Caucus that I am really from a more urban kind of area, I represent three coastal communities, but I don't have a large swath of land in northern Maine like Representative Clark does. One of the beautiful things about being in this Legislature is getting educated about the variety of economic opportunities in our state.

When this bill, when both of these bills came in front of my committee, I am not a hunter. I don't have a background in it and I don't have a lot of education in it, except what my sportsmen's club has told me. So my initial reaction is what is canned hunting, that was my first thought, and then Representative Smith is right, talking about a game ranch, an organized, economic kind of farm is very different from canned hunting. The education that I received in the public hearing on this bill and the work session absolutely brought me around to the point of this is an economic opportunity for our state, and it's also another method for preserving farms, diversified farms. We know the challenges that we're facing with our farming industries. Did you know that for these game ranches, there are 65 farms in the State of Maine that raise red deer? Do you know what that plays out in terms of economic infrastructure in our communities? Hundreds of thousands of dollars spent on feed, on hay, veterinarians, the ripple effect of what this type of farming is, is enormous in our state.

A couple of points of clarification, because people have been sending me notes confused. Currently, we have a threshold in this state of 11 permits for these farms. That's the threshold. Currently, there are seven active licenses; there are two that are asleep, there is no farming going on but the license is still good. Then there are two licenses that were completely given up. The threshold is 11. What we are asking with this legislation is to keep the threshold at 11 and taking those two licenses that are asleep and gone and putting them in different parts of the state, if you look at the map that Representative Pieh passed out, you'll see where the current farms are and where the inactive licenses are. The gentleman who came to us from Dover-Foxcroft has the investment and is ready to make this happen in a part of the state that is losing jobs every month. So the argument that was made

to us, in terms of our presentation about how this would help fill the economic development hole in rural communities, was incredibly strong.

I also would like to you to note the list that we passed out, Representative Cray and Representative McCabe passed out, about what these game ranches do for economic development. It enables people with disabilities to go hunting. That's a big thing in this state. It's an enormous tourist attraction. Most of the people who come up to go to these game ranches are not traditional Mainers who like to do traditional hunting, as they've said. In fact, the Sportsman's Alliance of Maine came out in support of these bills. The revenue stays here in our state. I would ask with all of my heart, there are so many bills that come down to dividing rural and urban parts of this state, and though it is not something that you may have in your town of Bath or in your town of Ellsworth, please consider the outlying rural communities that are struggling, struggling to keep their people employed. So do not let these bills be a further division between rural and urban Maine. As you can tell, I'm very passionate about it, and that's partially because of the education I received in these hearings and work sessions. So I would please ask you to defeat this report that is in front of us and support the Majority. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am not a hunter and when I was considering this legislation, I did what most of us do, we go talk to people who know something about the subject, so I went to go talk to my brother-in-laws; longtime hunters, fishermen, sportsmen; every season they've got their license; whatever the game is that's legal, they go out and hunt it, and then we get to have the benefits at the family reunions of some interesting dishes for dinner. I asked them what their perspective was on this as hunters, and I wanted to know because I didn't want to pass a judgment on this issue because I'm not a hunter, I didn't want to pass a judgment on this issue, so I asked them and I was actually surprised by the response I got. They opposed large game shooting areas. I asked them why and they said because hunting is a tradition for them, they take it very seriously, it's something that they pass down generation to generation, and they didn't consider this hunting. Their recommendation to me was that we should rename it game harvesting, because that's really what we're talking about. That said the perspective was that those that are there, we should go ahead and let them, but they strongly opposed an expansion on it, and, in this bill, I see an expansion. Regardless of how many licenses were issued, we have a certain number of active game facilities in the state. With that, I'd like to pose a question through the Speaker.

The SPEAKER: The Representative may pose his question.

Representative **MARTIN**: Thank you, Madam Speaker. Is there anyone that can talk with me, when the original 11 licenses were issued, was the intent to allow those licenses to expire once those game preserves were no longer in business or was it the intent to renew those licenses to new facilities? Thank you.

The SPEAKER: The Representative from Orono, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The original intent was to grandfather what the current places were that were doing it and to let those folks work their way down to what would economically balance in the state for the number of farms. The

intent was not to have 11 farms. One way we assured that was by tying it to a specific place of land, so that, if you look at your map, you'll see that it was spread around the state where the original 11 were approved, and so it was figured over time that we would end up with maybe two through four, which I think economically would be viable for the state. I think that would hold and the farms would be alright.

I've heard some debate about ban versus not ban. This bill is not about banning, it's about limiting and protecting the economic viability of the hunt farms that are there now. I will tell you that, at the public hearing, the existing hunt farms were not in support of expanding who was going to get licenses. Thank you very much.

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

Representative **MARTIN**: Thank you, Madam Speaker. Members of the House. Having been involved with the good senator who was involved in it a number of years ago, who was referred to earlier, involving the compromise that was worked out at the time, the remarks that have just been made were actually correct. It was the intention, basically, that we would hold to the number and, as people went out of business or they sold the business, that number would continue, if they went out of business, it would drop, and that was the way in which we had intended at that time. If they sold the business, that was part of it as well. If they wanted to sell, they'd be able to sell and continue, someone could continue. But once they gave up the license, then it was the end of that number.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. What I have to say, it's going to be real quick. The picture that's on the front of the handout that I passed out, there's a young man, the hunt was from a Make-A-Wish Foundation, and that's one of the big things, that this allows people to have this opportunity for these situations.

There are a couple of other things. On the economic part, as far as a farmer that raises the animals, one of the farmers came in and said that for a red stag, he could get \$200 to \$300 for the meat of it. If he sold it to one of these game farms, it's a possibility of \$2,500 to \$3,000. So it has a big economic impact on that part of it.

As far as going back to the 11 that was in the original bill, I think the economy in our state has changed and anything we can do to help our areas and our economy, I think, would be a help. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today to ask that folks follow me and my light in voting against the pending motion. Twenty acres is a parcel of land that I hunt on. It's a small woodlot. One hundred acres is the smallest size, high-fenced hunting game ranch or canned hunting facility that we heard from. In this 100 acres, it is a mix of fields and forests, a natural habitat for these animals.

As far as the issue of fencing, fencing is something that was a concern of mine and is a concern to the Department of Agriculture, and I actually talked with the Department of Agriculture officials this morning, who felt comfortable with the process of rulemaking to address the issue of boar and containment. Currently, the fencing that is required at these facilities is quite elaborate, quite expensive, and anyone that is willing to make the investment in this facility is serious about business and serious about making this last. I think that folks in

this body should know these facilities are inspected by the state, that they're also inspected by other staff of the Department of Ag, to address those issues of fencing, animal health, and many, many other criteria. So I ask this body to follow me in voting against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It seems to me that this morning we have a matter of semantics: harvesting, killing, etcetera. One of the reasons why this is happening is that, in 1900, 50 percent of the United States was involved in the pursuit of agriculture. It probably would have been very hard to find anyone who hadn't lopped off the head of a chicken, slit the throat of a piece of veal, and yet today we are removed from this in a way. If you take a chicken out of a chicken coop and cut his head off, there's a canned hunt for you. When we go and we have a nice piece of veal in front of us at the restaurant, we don't see the little calf who had to give his life for this. We are carnivores. We have teeth that are made this way. However we pursue this, whether it's through high fences and there's agriculture pursuit in there, we have been using animals to the advantage of civilization for 6,000 years. Whether we domesticated cattle, dogs, sheep, goats, or the undomesticated animals that we are perhaps using in high-fenced hunting for the purposes of making money, the principle behind it is no different than the principle of a rancher. His beef, at the end of the day, is going to end up in the slaughterhouse.

While I listened to Representative Harlow earlier, I'm afraid he's right. If this road continues about this butchery of animals, the next thing you know they're going to haul them into slaughterhouses, slit their throats and, my gosh, we're going to find them on the supermarket shelves.

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

Representative **HINCK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I have hunted, I am not a hunter, but this bill, like many others, is not about me really, it's about other people in the State of Maine. In my view, looking at this matter and listening to those who are closer to it than I am, this method of raising and harvesting food is as reasonable as many others. I would consider it to be superior to factory farming in the worst instances. For that reason, I would vote against the Minority Ought Not to Pass. I speak only because, in my district, I'm sure that wouldn't be the prevailing sentiment at least of those people that are most interested in the subject matter. I guess I'm practicing to talk to constituents and also to my mother-in-law, and thank you for allowing me to do that.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just got another note from someone who is confused. He understands that we're trying to help this gentleman in Dover-Foxcroft, why couldn't we just give him one of the sleeping licenses and that is because the license is attached to the land. If you would like to know, currently the nine facilities that are active with active licenses are in Aurora, Newport, Oxbow, Anson, Jefferson, Hodgdon and Dixmont, and the two sleeping facilities are located in Ripley and Scarborough. That was one point.

The second point is the Department is very involved with monitoring and regulating this industry. They have a program for monitoring chronic wasting disease, they are inspected annually, all harvested animals are tagged and the fee is based on the

number of animals harvested, and there is official identification of any new additions to the herd, so the Department of Ag is well entrenched in how to deal with this industry, for those who sent me notes asking those questions.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I first want to thank my good friend from Sanford, Representative Tuttle, for coming to Piscataquis County and being very concerned about our welfare. He and his friend traveled in Piscataquis County quite a lot last summer, in fact, his good friend was my opponent last year, and I appreciate that. I also appreciate the fact and very seriously that they did do that because we have become fast friends, and I believe that when his friend, whose name is Jayson Allain, returns from Afghanistan, we'll probably be even better friends.

I also want to thank my good friend from Newport, Representative Tardy, as usual, he's not in his seat. He's a good friend. Occasionally, as time goes by throughout the year, I call him and, after several calls, we make contact, and I want to have breakfast with him. I usually watch the court news to make sure he's won a case or two so he'll buy, and it's infrequently, but it does happen. Awhile ago, when we met, he wanted to take me to a deer farm. I said, Well I've been to one, we've got one over in Ripley; they raise red deer and elk. He said, Well, I want to show you this one. So we went out to East Newport and there's deer farm over there on the North Newport Road, and I can't think of the name of it right now and I can't think of the name of the fellow that runs it, but it's a very well run operation. It's very clean, it's a large operation, I don't know, they must have 20 or 30 acres of land there. The deer, the animals are certainly in excellent shape. The owner took us all around and I asked him a lot of questions about the hunt, how they do it, what they do there, and I asked him if people come and aren't successful, and he said yes they are, sometimes they don't get a deer, sometimes they go away empty-handed. I came away thinking what's wrong with this; I can't see anything wrong with this. I can't see the difference between this and raising fish in a hatchery and putting them in a two acre pond in your backyard and catching them. What's the difference? Well, the difference is that this guy is in business and he's making money and he's creating jobs and he's helping out. That's my estimation of it.

We need help up in Piscataquis County to be sure. The reference has been made to the depressed area and all of that. Perhaps it's depressed compared to downtown Portland, but those of us from Piscataquis County feel we're pretty enlightened, we're doing quite well and we'd like to be able to do this. I need to pay attention to what I'm doing, Madam Speaker. I'm supposed to be addressing this through you and I don't want Representative Sykes to jump to his feet and holler at me and, perhaps he wouldn't, but he might too. We want to do this, and it seems like often when we ask to do something or when we come up with a dream, be it the Big A dam project, Plum Creek, whatever, we're told we can't do it, we aren't doing it right, we don't cut the trees right, we don't let the sun shine right or something. Well, here's an opportunity for use to create a few jobs, to give a local guy a chance to make some money and do well. Our local efforts right now, the economic development folks, there's an old mill in Dover-Foxcroft. It used to be a thread mill, it used to be a woolen mill, and it used to be Moosehead Manufacturing. The one that Representative Tardy has taken over is up in Monson. The one in Dover-Foxcroft has been abandoned; the town now owns it, given up for taxes. They have plans for it and one of the plans is a hunting and fishing museum.

It's a great plan. A hunting farm in Piscataquis County can be part of it. Please vote against this motion and let us get on with our lives. Thank you very much, Madam Speaker.

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

ROLL CALL NO. 95

YEA - Adams, Beaudoin, Berry, Blodgett, Briggs, Cain, Campbell, Casavant, Eaton, Eberle, Eves, Flemings, Giles, Harlow, Innes Walsh, Jones, Kaenrath, Kent, Knight, Kruger, Lovejoy, MacDonald, Martin JR, Miller, Nelson, Pendleton, Pieh, Priest, Rankin, Rotundo, Russell, Smith, Stevens, Strang Burgess, Treat, Trinward, Valentino, Wagner R, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Beck, Bickford, Blanchard, Boland, Bolduc, Browne W, Bryant, Burns, Butterfield, Carey, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Johnson, Joy, Knapp, Lajoie, Langley, Legg, Lewin, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pinkham, Piotti, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Schatz, Shaw, Sirois, Stuckey, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Van Wie, Wagner J, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright.

ABSENT - Celli, Connor, Cotta, Pilon, Saviello, Theriault.

Yes, 39; No, 106; Absent, 6; Excused, 0.

39 having voted in the affirmative and 106 voted in the negative, with 6 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative PIEH of Bremen, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-236)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 21, 2009.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

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

TABLED - April 9, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUCHT NOT TO PASS** Report.

Subsequently, Representative PIEH of Bremen **WITHDREW** her motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

On motion of Representative MCCABE of Skowhegan, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 21, 2009.

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

Expression of Legislative Sentiment recognizing the Wild Oats Bakery and Café in Brunswick.

(HLS 352)

Which was **TABLED** by Representative CORNELL DU HOUX of Brunswick pending **PASSAGE**.

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

Representative **CORNELL du HOUX**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to reiterate the tremendous support and hard work Wild Oats has done to achieve this award. We are lucky to have such a fine bakery in Brunswick and in this state. I try to get there as often as I can, but today, I hope the members of the House will be happy to know that they have some tremendous samples in the Speaker's Office, which you are all welcome to attend right after session. Thank you.

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

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 (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-283)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products"

(H.P. 533) (L.D. 782)

TABLED - May 18, 2009 (Till Later Today) by Representative TREAT of Hallowell.

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to just speak on this issue briefly. This is of course one of my nutritional bills that I feel strongly about, and I just wanted to read to you what the summary is on it:

The purpose of this bill is to improve health, reduce health care usage and costs and help prevent disease through nutritional wellness and prevention measures and allow for nonpharmacological alternatives to enrollees who choose them. The bill requires that health insurance policies provide coverage for nutritional wellness and prevention that is shown to be beneficial to the enrollee and recommended by the enrollee's physician.

When I was on my way up here the other day, I was listening to the radio on NPR, and there was a discussion about acupuncture going on—does it work, does it not, how does it work; some works well, some doesn't for different people—and in the end, the doctor who was there and being interviewed said that what really matters to me at the end of the day is what works for my patient. This bill really is about the patients, about the doctor and the patient finding alternatives, and if the doctor already knows about some nutritional ways to accomplish the

results that they want. We have now, at the national level with President Obama, a whole new focus on health care reform, where he's promoting wellness and prevention. The secretary of the Department of Health and Human Services was quoted in the *Sunday Telegram*, in the Parade Section, talking about how we really have to make this our priority, that we can't just be focused on sick care and treating problems after they've hit, we really have to encourage people to do things that will prevent the illness from happening, ought to use other means. The Chief Executive also announced the Maine's wellness program and said that, in Maine, we were going to be blazing a trail in wellness and nutrition. A doctor in my town, Dr. Bhargava, treats his patients regularly through nutritional methods. He talked about a simple cardiac operation with one stint costing \$40,000 just for the hospital costs, so he finds other ways to do it. We also have now an incentive program for state employees that, if they can find wellness ways to get better and save the system money, they can earn back the money that we're paying.

Really I just wanted to let you know what the bill was about and tell you that, in Maine, we've gone from it costing \$8 billion a year in 2004 to \$11 billion in 2008, for health care. The American Diabetes Association reports that in 2007 alone, diabetes cost the State of Maine \$775.8 million, that's three quarter of a billion dollars. Half a billion dollars of that is for direct costs, a quarter of a billion is the cost to business, from lost productivity and absentees on the jobs, and yet the director of Mercy Hospital in Portland's Diabetes Center, at a luncheon that some of us attended not long ago, in talking about diabetes said with all of the medications that are there and available, some were okay for some, others for others, but he was strong in making the point that, ultimately, all those medications fail, and we know what failure means with diabetes, it's blindness and lost limbs and that sort of thing, so the only thing he said he strongly promoted was nutrition and health style changes. That was the only thing that he found that worked. Again, there are very many nutritional measures that people find that work. Also, with heart disease, it's extremely costly. Of course we all know that overweight and obesity contributes a lot to this, either because people can't absorb the nutrients they need or because the food is just too poor in the first place, but, presently, we don't cover nutritional therapy and options for people to get well in other ways. What we do cover, the FDA approved long-term medications for obesity, Meridia, Xenical and several other things. These are the side effects, and this is from the American Medical Association website: Side effects include increase in heart rate, increase in blood pressure, headache, dry mouth, insomnia, constipation, increased defecation and all of that. Those are just the side effects. Some of the safety concerns include uncontrolled hypertension, seizures, coronary artery disease, congestive heart failure, arrhythmias, stroke and several renal impairment functions, agitated states. These are the things that are approved for doctors to recommend for their patients, and yet, also at the website for the American Medical Association, there is a quote talking about nutritional ways to help, one of them being meal replacements, and it is reported there that the use of meal replacements has been shown to be effective for both weight loss and long-term weight maintenance. That's from the *American Journal of Clinical Nutrition*.

I know people probably think I've had more to say about this than they want to hear, and it's not fun to be the only person talking about it, as I'm sure some of you know. But I think it's just important, if we want to save money, diabetes costs three quarter of a billion dollars to the State of Maine, it's time that we looked at the suggestions made by the director of the diabetes clinic at Mercy Hospital and focus on nutritional alternatives, whether it's

counseling, improved food quality, nutritional supplements, people often focus on that sort of thing thinking it's a negative, but it really isn't. I've got a friend with Crohn's disease, who had many operations and lost nine feet of her intestine to operation after operation, and finally found a nutritional product that helped her so much that she was able to cancel the last operation that was set up for her, and she's never been back to her gastroenterologist. Now people with Crohn's disease can spend \$2,000 a month or we can save the people of Maine money, to a huge extent, by just bringing this forward, allowing Frank Johnson to have more incentive opportunities for the people that he's trying to help in the Maine system, and maybe give a little inspiration to the pharmaceutical association to bring down the cost of their medications.

I'd also like to tell you that it's estimated that between 50 and 75 percent of Americans use nutritional supplementation alone, they are in your districts, and they typically do not discuss it with their doctors because they expect that their doctors will turn them away and be critical of it. So I think the opportunity to let people find some of these nutritional options will be a great benefit and really the only way that we can expect to lower the cost of health insurance and improve the health of our people in the State of Maine. Also, as some of you see, I put out a flyer on some of the bills that I've done, just so that some of the things that I've talked about, because they have been varied, and for those of you who are only on the computer, the laptop, it appears as additional documents on this bill. It was published by an association that supports people having these kinds of choices in the United States. Thank you very much for your attention.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative LEGG: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill has evolved quite a bit since it was first presented to our committee. It was too broad and too general, and now its specific remedies that are prescribed by a doctor that have proved successful in treating very specific diseases, that are often very chronic and very serious, and are far less expensive than traditional drugs or surgeries.

The SPEAKER: Will the Representative please defer. The Chair recognizes the Representative from Hallowell, Representative Treat, and inquires as to why she rises.

Representative TREAT: Thank you, Madam Speaker. Point of Order.

The SPEAKER: The Representative may proceed.

Representative TREAT: Thank you, Madam Speaker. With great respect to the Representative from my very own committee, Representative Legg, of Kennebunk, we are debating the Majority Report, the bill itself, and the opportunity to discuss the details of the amendment would come later if the current motion is rejected. You might want to just note that it is on everyone's desk and has a number, and, if anyone wants to refer to it and see specifically what it does, they will have that opportunity to read it.

On POINT OF ORDER, Representative TREAT of Hallowell asked the Chair if the remarks of Representative LEGG of Kennebunk were germane to the pending question.

The SPEAKER: The Chair would remind any members debating this bill that the Representative from Hallowell is accurate. Her Point of Order is that we are now debating the Ought Not to Pass Report. It is not proper to debate the amended version of the bill.

The Chair reminded Representative LEGG of Kennebunk to stay as close as possible to the pending question.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative **LEGG**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just had a couple more sentences, so I'll go on. Alternative therapies are increasingly accepted by major medical schools, including Harvard, and I believe this is a very worthy proposal, the amended version, and I think it's worthy of our support, and I apologize to our good Chair for not following the correct procedure, but I think it's time that alternative medicines be given, if they are prescribed by doctors, insurance and proper respect with in the medical communities.

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

Representative **MORRISON**: Thank you, Madam Speaker. Good morning, Members of the House. I was on the Minority on this one, so I thought I would have just due and speak about this, because I really believed, in the beginning of this process, that my first thought was we are a pill-driven society, there is a pill for everything, and I wanted to find alternative ways to guess a way from taking a pill for everything. So in doing that, I thought this would be a wonderful opportunity.

Now I've seen in the past, people being cured from diseases. A friend of mine from Cape Elizabeth has fibromyalgia and she found alternative medications, wellness programs, and is successful now, so I've really seen this come to fruition, so I thought it would be a wonderful opportunity for folks not to take pills every time there's an issue and benefit from wellness opportunities and live a healthy and successful life. So that's the only reason why I voted against this and am on the Minority, but I just want to kind of bring that to everyone else's attention here in this body to try to find alternative ways to better ourselves. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just want to rise and briefly express what I think is the opinion of many people in the majority, who are going to vote Ought Not to Pass and vote green on this. The Insurance Committee gets a number of mandate requests every year. I think we got about ten this year. I generally love most of the mandates that we have, I'm enthusiastic about a lot of them that we're going to have studied by the Bureau of Insurance and have probably back before this body, either in this session or next spring. This particular mandate, while I think it's a worthy cause, did not rise to the level of the other mandates that we saw. We did not send it to the Bureau of Insurance to study the cost, which I think is typically a process that is gone through, and I urge everybody to vote for the Majority Ought Not to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you can see, this is a discussion that we're having within our committee, but it was in fact an 11-2 Majority Ought Not to Pass Report. I just want to point out that this is not a vote about whether prevention is a good idea. This is a vote about whether or not the legislation, which puts on to insurance, it's an insurance mandate, the insurance companies pay for certain nutritional supplements. There, in the original bill, was no requirement that there be a proven effectiveness or in fact safety, an issue that is even out there with drugs, and it is even the case, we know that there have been recalls by the Food and Drug Administration of some nutritional supplements that were just as toxic as some

drugs. Now in saying that, I by no means am an opponent to covering prevention and preventative services, where appropriate, even in a mandated benefit, but the legislation that came to us did not do that in a particularly targeted way. Alternatives, narrow alternatives to it did not show up until pretty much after we voted or at the time of the vote. It has not, as the good Representative from Bangor pointed out, Representative Goode, it has not been vetted by the Bureau of Insurance, and, to put it in context, we did have ten bills this year alone proposing insurance mandates. One of them, the committee voted yesterday, 12-1 in favor of putting forward to you on the floor, and I know that we will potentially have a discussion about that and whether or not it increases insurance costs. Every one of these mandates, we try, if there's support in committee, to send to the Bureau of Insurance to find out will this raise our insurance rates and, if so, how much. Many of you may be aware that there was just a decision by the superintendent of the Bureau of Insurance on a proposed rate increase, and it's a hot issue that we have debated already in this Legislature about how high are our insurance rates and what is the cause of it. Certainly, the major cause is not mandates. The most that the mandates that are currently in place pose, in terms of a percentage of the cost, is up to 7 percent and I think the lowest is 3 percent, total, of all of them together, depending on whether it's group insurance or individual insurance, or small group or large group. But every single mandate does add to that and so, over the years, the Insurance and Financial Services Committee has had a very thoughtful process where we first decide, of all of the bills that are before us, which are the ones that kind of rise to the top as being the most important. Of course, we can all have our own reasons for making that decision of what's the most important, but sometimes it's based a lot on what kind of testimony comes to us, how many people are affected by it, how well thought out is the information that's brought to us so that we can make a decision about whether the right things are being covered and whether the impact, from a health perspective, is really, really significant. Of our ten bills, this one just did not rise to the top, and there were some other very worthy proposals to our committee, in addition to this, relating to payment for certain cancer drugs, for example. We've carried over several bills relating to services for children with various disabilities, as well as a bill relating to prosthetic devices. So this is part of our process, and the legislation before you really did not meet our tests and, for that reason, not because we're opposed to prevention, we are very much in favor of prevention and I personally am, I really do encourage you to vote for the Majority Ought Not to Pass Report, which is pending right now.

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

Representative **BOLAND**: Thank you, Madam Speaker. Just a couple of clarifications. The original bill does indeed say that the wellness provision needs to have been shown to be beneficial and to have the order of the physician. Also, these matters do need to be sent to study, but I brought this same bill, last year, it was sent to study, the Bureau of Insurance recognized that at the hearing and said they didn't expect that they would have to restudy it. They came back with a suggestion that it would cost 4/10th of 1 percent in a premium, that's 4 1,000ths of their premium, what it would cost to give doctors the opportunity to get procedures or counseling or nutritional therapy for their patients. That comes out to \$1.34 a month. I repeat: My friend's Crohn's disease was able to forgo a serious surgery. Certainly, I've had it in my family: My daughter suffered for seven or eight years with depression and anxiety. She was so bad, a young woman, 21, they were recommending shock treatment for her. That was the

best that the medical system had to offer. Two months on some nutritional therapy and she walked away from it all and has never had to return to it, and that's been three years. So when we are trying hard to cut costs, I would say \$1.34 a month per individual might be worth it to give doctors this opportunity and patients that opportunity and the people of the State of Maine to save probably millions of dollars, if they can have help turning their lives around. Again, Anthem actually suggested it would be 2 1/1000ths of a percent for the state employees, so I guess that \$0.75 a month. Anyway, I just wanted to clarify what the expense would be, that they did do a study last year and in fact in their report they said actually the cost would probably be less but they couldn't figure out what the difference would be when other modalities were not used in place of something like this. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Chair. Madam Chair, Ladies and Gentlemen of the House. Just a quick math: Take the number of people currently on MaineCare and Dirigo and multiply that by \$1.34 a month and that will give you a pretty good idea of a fiscal note.

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

A vote of the House was taken. 109 voted in favor of the same and 14 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act To Protect Family Caregivers"

(H.P. 664) (L.D. 962)
(C. "A" H-295)

TABLED - May 19, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-295)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-298)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enhance Municipal Home Rule Statutes"

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

TABLED - May 19, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

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.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. It seems I have two subjects that don't seem to be exactly the high items for most people, but I wanted to just say something on this. This is a bill that was brought before the State and Local Government Committee, and I take it very seriously. Again, it's a very simple bill. It says, in the words of the sponsor, it was supposed to come out this way and it actually didn't, but a municipality may adopt or enforce an ordinance enforcement provisions providing that corporations or other business entity

shall not be afforded any constitutional rights, privileges, powers or protections which would enable them to avoid the enforcement of an ordinance or which would enable them to challenge or nullify the ordinance.

This is really a home rule kind of a bill and it came about initially because people in York County were upset because Nestle had kind of moved into the area without them knowing it. They had come to the Shapleigh/Newfield area, and I guess it was Shapleigh that they had drilled 15 wells and that was working with the state government, DEP and Inland, Fisheries and Wildlife and whatnot, but the legislators didn't know anything about it. Fifteen wells in a wildlife preserve in their area, looking for what they hoped would be an opportunity for them to have a big business drawing water. Those were the people that got motivated to start talking about it, likewise the people in Kennebunk and in Wells, and what they brought before us was this bill and basically it asks the state to honor the fact that local people, in their municipalities, may draw up ordinances and say that any business coming to town will not be permitted to use special rights to get around them. The argument against this is that it's unconstitutional, but it really hasn't been proven unconstitutional, it's just it hasn't gone to the third branch. I just wanted to read to you what Article I, Section 2 of the Maine Constitution says: All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and inalienable right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it. That's the First Article of our Constitution. The people have the power to make laws, and further along, this chapter being necessary, in Section 2109 of Title 30-A, the law calls for liberal construction of home rule, saying this chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to accomplish its purposes. The purposes, being again, for the safety and happiness of the people in their communities.

The reason I found this interesting to bring, and I know it's just the beginning of a discussion but it's not going to go away. We see, for instance, water laws across the world, across the globe, and Maine is blessed with this resource, so that's how it happened to come up here and now and in these communities. But I'd like to just read a little bit from the Attorney General, Steven Rowe's letter that he wrote in 2002 to Senator Snowe and Collins, just briefly, and then I'll leave it to others:

I recently joined my colleagues at the National Association of Attorneys General, in passing the attached resolution expressing concern over the inclusion of provisions in international trade agreements, by which foreign investors are granted new rights to challenge and seek compensation for state, local and federal government regulatory actions. Similar provisions may proliferate in future trade agreements enacted under this bill and the Fast Track Trade Agreement now pending. Please know that this issue has no bearing on the promotion of international trade. However, the potential in that case of HR 3005, as currently written to create an expansive new international law of takings having no derivation in our Constitution is contrary to our Constitution's principles as well as to promotion of evenhanded trade. My concerns arise from real experiences encountered by state and local government with similar investor protection provisions in Chapter 11 of NAFTA. The provisions have raised serious problems with the ability of state and local governments to take constitutional actions to protect public welfare and the environment.

What he was really looking is that if a town does not have the ability to have an ordinance like this, a big multinational corporation, not just Nestle, anyone, could take action, but it's

not really an "action", the Maine courts are not allowed to adjudicate anything like this, neither are the federal courts. If there's any problem that comes up, this is adjudicated at an international tribunal. Now imagine where Shapleigh or Newfield or York or any place in the State of Maine would be if the people in that town, we encourage people to get involved in their communities and be involved in lots of ways. This is one that these people have found to be involved. It's happened in New Hampshire also, and it's been found in the towns that installed provisions that say you can't get around our laws that we've put in the town by referring to special provisions. None of them have been contested. So what this really is doing is really starting a conversation, I know we're going to turn everything around right here in this spot, but just to ask you to start thinking about how big operations overwhelm even small countries today, and it's such a big issue that even last Sunday, in Wells, they had what was to be a town vote and it was very roughly done so that, at the end, there were about 200 people still waiting in line to come in and they wouldn't allow them to vote. I don't know whether the vote would have come out differently, but this is turning into kind of rough stuff, and so I'd just like you to consider what this might mean and this might not be the perfect bill but, we the people, is where the governance resides and in our small towns and for the people that we represent here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the current motion and I know it probably won't enhance my credentials and my request to get in the moderate caucus, but I felt that the hearing we had in our committee and the number of people, the intelligent and passionate testimony that we received deserves some discussion here, and I would like to take just a few minutes to give some thoughts on that. As the good Representative from Sanford said, perhaps it was the water issue that drove some of the people, but I think the genesis can go back further than that, maybe even to our current economic condition, when people have observed the role of corporations and the mess, if you will, that we're experiencing today. They have observed that, in many cases, particularly in our municipalities, the corporation seems to have equal or perhaps property rights in making decisions as to how our resources and how our energy in our communities are to be used. So I think that that is starting to resonate with people as a problem; they're coming forward, they're asking us to deliberate and come up with remedies, and I think that's what this bill was trying to get at. Yes, we were told that it may have some constitutional issues, but I think we still need to go forward with the concepts and discuss them, and I would hope, I guess one thought I have is I've never heard anybody say that some of my best friends are corporations. In thinking that way, why should corporations have the same rights that we as citizens do living here in our municipalities? I would say, with that thought, I would ask you to follow my light and let's try to take this issue one step further. Thank you, Madam Speaker, Men and Women of the House.

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. This was a rather one-sided vote from the State and Local Government Committee, primarily because this is so obviously unconstitutional. In 1886, in the case of *Santa Clara County v. Southern Pacific Railroad Company*, corporate personhood was established at that point in time, and it has been reaffirmed in a number of cases since then: In 1906, in *Hale v. Henkel*; in 1936,

in *Grosjean v. the American Press Company*; and, again, in 1978, in *First National Bank of Boston v. Bellotti*. Those are all U.S. Supreme Court cases, which establish that corporations do have personhood, so to speak. And then, in the State of Maine, it was reaffirmed as well in a case in 1935, in *State v. Old Tavern Farm*. So clearly it is unconstitutional, there is no question it is unconstitutional, and I would request that the Clerk read the Committee Report to show how one-sided the vote was.

Representative **BEAUDETTE** of Biddeford **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm rising today to speak in favor of the motion, Majority Ought Not to Pass, for the simple reason that, on Saturday, I attended a very contentious town meeting dealing absolutely with this particular issue. I want you to understand it really has not anything to do with saving our water; it has everything to do with, surprisingly enough, an outside corporation coming in from Pennsylvania and wanting us to strip any way they can the constitutional rights of corporations within, this time it was our town, and the one we're talking about today was the state, and corporations are probably one of the number one ways that many of us do business. Our business is in S-Corp and a lot of the businesses in our town of Wells are corporations for the simple reason that, yes, it is a person for what you're considered in your corporation rights, and you also have the rights within your corporation to protect yourself from the public that you deal with and some other issues that you might have.

I will say that we probably won't see the end of this. This outside entity is very interested in using whatever emotional issue may be ever developed in any of the towns, to come in and use that opportunity to do nothing more than again, strip the constitutional rights from our corporations that are doing business within our municipalities. So I would say heads up, this is probably going to be seen again, pay attention to what's going on, and I am very proud to stand here to say that 80 percent of the people in that town meeting, and there were very, very few that still hadn't come in to vote, that was just an emotional statement made by somebody, but 80 percent of the people voted that down because they saw the mask in place, what was really happening. Thank you.

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

Representative **CASAVANT**: Thank you, Madam Chair. Madam Chair, Ladies and Gentlemen of the House. I've stood before you a number of times with a wide range of bills that seem to evoke emotion or controversy: graveyards, foie gras, canned hunting and now this. As I told the Democratic Caucus yesterday, I feel like the animals within the fenced area: I got shot at so much for some of the bills. However, I have to tell you, honestly, when I submitted the bill on behalf of some constituents, I knew the bill was flawed, I knew that it was potentially unconstitutional, I knew that it had language problems, but my sole intent was to give some dialogue so that all of us and everybody out there can think about some of the issues that are coming forward, because of the things like the meltdown on Wall Street, the election of President Obama and the whole issue of change and what that might be, because it's such a vague term, and the whole issue of rights in the Constitution. Now I teach the Constitution, so you might say, well, why the heck did you submit a bill that was constitutional? Because sometimes change goes along with discussion. I mean it doesn't have to be right or

wrong, but at least to make people think about it, and I know this bill is essentially going nowhere, because I don't think it's the right vehicle, per se, to get done what maybe some people, or maybe eventually the majority, might want and that is to find a balancing act between what the Constitution says and how that interpretation has changed in terms of corporate law or whatever over the years. I mean, I value and you value our constitutional rights, but how often do we actually think about them and dissect them? So my purpose of offering this bill was certainly not as being antibusiness, and it was certainly not to undermine the supremacy of the Constitution, the federal Constitution, but it was an attempt to make you think about the preciousness of our individual rights, and also to think about the regulatory process that our municipalities use to protect our natural resources and to protect those rights. All of it's part of the discussion. I don't have any magic answers for you, but I just want you to think about it. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. What we say and do in our little corner of the world is heard around the world, and anybody that doubts that wasn't following the debate on marriage equality. This is a conversation that starts here, but it doesn't necessarily end here. There are a couple of events nationally that make this a timely conversation to have. The recent announcement of the retirement of Justice Souter from the Supreme Court has brought up a lot of conversation around the nation about activist judges. In this personhood of the corporation is a supreme act of activist judges. This is based on the Fourteenth Amendment, which was put in place to protect freed slaves. To take that amendment and to subvert it into giving personhood to corporations is a supreme act of activism.

There has also been a lot of talk of succession around the country and the talk of states' rights. What we have here is an issue that Maine can take as a state right and bring forth to the rest of this country. As I said, this conversation doesn't necessarily have to end here, but we should start it here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, sit on State and Local Government Committee and listened to this bill. We asked the Attorney General of the State of Maine to ascertain this constitutionality. She sent back: you need an opinion on this; it states it's unconstitutional.

As to the Fourteenth Amendment and corporations being given protections under the Fourteenth Amendment in 1886, the discussion on that started in the slaughterhouse cases in 1873. We had a little discussion on slaughterhouses here earlier. In 1873, there was a cholera epidemic in New Orleans. New Orleans shut down slaughterhouses to end this cholera epidemic. The people that were involved in the slaughterhouses argued over the newly established Fourteenth Amendment that they were being denied their right to work, their right to due process, by this action. While the court did not decide in favor of the slaughterhouses, because they ruled that New Orleans had the right to turn them down because of the cholera epidemic, the language later became used in 1886. When you deny a corporation their constitutional rights, you are by definition denying the people that work there their constitutional rights. Now in this day of corporations, we kind of see them as entities that don't contain people. They do contain people. This also is a bill that would allow Maine and municipalities in Maine to direct

U.S. trade policy, something that has been established as belonging to the Executive Branch with the consent of the Senate for 200 years. Every one of us that took an oath to take this office took an oath to both uphold the Maine Constitution and U.S. Constitution, and there are corporations that are standing outside of this state and around the world that are going to watch the red lights in this body, and if we send too many of them there, we're just saying we aren't open for business.

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. Many members of this House have spoken on this Majority, 11-2, Ought Not to Pass Report, and I just think it's important that I say something. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I happen to represent two of these towns that are involved in this water situation, and I don't think it's a matter of not accepting business because the woman in one of these towns that has started this whole thing that I represent, just happens to be the chair of the Republican Party. So it isn't I'm standing here defending Democrats, I'm here speaking about water, not antibusiness. Two of the towns I represent have their own water district: Limerick and Alfred. Two of towns I represent do not, but probably would have liked to have their own water district at some time. Newfield and Shapleigh do not have their water district. I believe, at one point, the people of Portland didn't think that they'd be drinking lake water at some point, or the people of Biddeford and the people of Old Orchard Beach and the people of Saco would be drinking river water. We had, in the Health and Human Services, the representative of the water district in Alfred come in front of us, and I asked him how many people did they supply water with in the town of Alfred? Their answer was 25 percent. I said could you handle the other 75 percent? Definitely. I said could you also handle Nestle? They said no. So, you know, it's okay to stand up here and defend all kinds of big businesses, when they don't send you up here, that the little guy back home sends you up here. So this isn't a case of Democrats and Republicans, because the one that started this whole thing in my district is the chairman of the Republican Party, in my district, and I'm standing up here to defend my district and the people that sent me up here, which I try to do constantly. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I applaud Representative Casavant and the honorable former Representative Burns for allowing us to have this debate, and I'm sorry if this is taking up some people's time, I apologize if some people think this is an argument or a discussion not worth having, but I believe it is worth having, because it's just the beginning. Like a lot of people have said, this is the tip of the iceberg, and if you think we're talking too much about this now, we've got a lot of stuff coming; we've got a lot of stuff coming down the pipe. The last time the Supreme Court looked at this issue was before I was born. Now that might not be saying a lot for a lot of people here, but I don't consider myself a total spring chicken anymore. Legislatures pass laws. Courts decide if they are unconstitutional, that's their job. Now I did take an oath to uphold these constitutions, and I believe I'm doing that right now because I believe I'm standing up for, as the good

Representative from Newfield, Representative Campbell and some of the others here, for the people of my district. It doesn't say "we the corporations" okay? It says "we the people" for god sakes. Bring it down to the bare bones of it.

For those who were in Democratic Caucus the other day, I kind of flew off the handle a little bit; I apologize if I offended anyone during that. But I think this is definitely a discussion worth having. It's certainly not going to up my MERI score getting up here right now, and I'm okay with that because I didn't come here for anybody else in the 8,400 whatever people that live in my district, and I believe that they deserve the right to self rule. They deserve the right to say to somebody, you know what, this is our water, it belongs to us, it belongs to the people of the state; it's not to be commodified and sold and extracted and made into something that may or may not benefit us, and that's their decision, okay? I'm not here to make that decision for them; all I'm asking is that they have that option. I appreciate the opportunity to speak, I appreciate this discussion, and I appreciate the opportunity to continue discussing this and I encourage us to do so, because it's not going to end. I apologize if I'm going to upset some people, but I will definitely be voting red on this motion. Thank you for your time.

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. 96

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Browne W, Bryant, Burns, Butterfield, Cain, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgecomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Sirois, Smith, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Madam Speaker.

NAY - Adams, Boland, Briggs, Campbell, Connor, Eaton, Eves, Flaherty, Gilbert, Goode, Hunt, Innes Walsh, Kent, MacDonald, Martin JR, Morrison, O'Brien, Pratt, Schatz, Stevens, Stuckey, Tuttle, Wright.

ABSENT - Celli, Cotta, Pilon, Saviello.

Yes, 124; No, 23; Absent, 4; Excused, 0.

124 having voted in the affirmative and 23 voted in the negative, with 4 being absent, and accordingly 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:

(H.P. 890) (L.D. 1271) Bill "An Act To Generate Savings by Changing Public Notice Requirements" Committee on **STATE**

AND LOCAL GOVERNMENT reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)**

(H.P. 916) (L.D. 1313) Bill "An Act To Restructure the State Planning Office" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)**

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

(H.P. 873) (L.D. 1254) Bill "An Act To Repeal Inactive Boards and Commissions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)**

On motion of Representative PERCY of Phippsburg, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-328)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 21, 2009.

REPORTS OF COMMITTEE

Divided Report

Ten Members of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-326)** on Bill "An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists"

(H.P. 309) (L.D. 421)

Signed:

Senator:

RECTOR of Knox

Representatives:

SMITH of Monmouth

WRIGHT of Berwick

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

HUNT of Buxton

MARTIN of Orono

GILES of Belfast

COHEN of Portland

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

SCHNEIDER of Penobscot

Representative:

CLEARY of Houlton

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-327)** on same Bill.

Signed:

Senator:

SULLIVAN of York

READ.

On motion of Representative SMITH of Monmouth, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-326)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 21, 2009.

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

On motion of Representative BECK of Waterville, the House adjourned at 12:02 p.m., until 9:00 a.m., Thursday, May 21, 2009.