

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 3, 2008 – May 27, 2009

Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
45th Legislative Day
Wednesday, May 27, 2009

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

Prayer by Reverend Doctor Susan Stonestreet, United Christian Church, Lincolnville Center.

National Anthem by Riverton Elementary School Chorus, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

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

Majority (7) **OUGHT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 21, 2009.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 188)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 26, 2009

Honorable Stan Gerzofsky, Senate Chair
Honorable Anne M. Haskell, House Chair
Joint Standing Committee on Criminal Justice
Augusta, Maine 04333

Dear Senator Gerzofsky and Representative Haskell:
Pursuant to Joint Rule 309, we have taken LD 1177 "An Act To Establish the Maine Emergency Services Institute" from your committee. As you know, the deadline for voting on these bills was Friday, May 15th and, as we directed, LD 1177 has been delivered to the Clerk of the House 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: (H.C. 189)

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

May 12, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, §168-A, I am pleased to appoint the following Representatives to the Legislative Youth Advisory Council:

Representative Teresea M. Hayes of Buckfield

Representative Jane S. Knapp of Gorham

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 190)

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

May 12, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

In accordance with our authority under Title 12, Section 6447, we are pleased to appoint the following Representative to the Lobster Management Policy Council Zone A:

Representative Dianne Tilton of Harrington

Please let us know if you have any questions regarding this appointment.

Thank You,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 191)

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

March 2, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 3, §227, I am pleased to appoint the following Representatives to the Maine-Canadian Legislative Advisory Commission.

Representative John L. Martin of Eagle Lake

Representative Charles R. Priest of Brunswick

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

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 192)

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

April 21, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 22, §3883, I am pleased to appoint Representative Mark Eves of North Berwick to the Maine Children's Trust.

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

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 565)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 22, 2009

Sen. Troy Dale Jackson

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

124th Legislature

Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Sophia Wilson of Dover-Foxcroft for appointment to the Maine Workers' Compensation Board.

Pursuant to Title 39-A M.R.S.A. §151 (1), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **LABOR**.

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

The Following Communication: (S.C. 365)

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

May 26, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

The President appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws" (H.P. 584) (L.D. 849):

Senator JACKSON of Aroostook

Senator DAMON of Hancock

Senator MILLS of Somerset

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lucienne L.C. Dionne Cloutier, of Old Town, on the celebration of her 100th birthday, June 4, 2009. Mrs. Cloutier was born in Quebec and came to Maine at the age of 3. She became a United States Citizen at 37 years of age. Mrs. Cloutier and her husband, Nelson, had 4 children and Mrs. Cloutier has 12 grandchildren, 14 great-grandchildren and 2 great-great-grandchildren. Mrs. Cloutier has been active in her community and is a valued volunteer at Holy Family Parish in Old Town. She is a charter member of the Old Town Senior Citizens' Club, she enjoys playing in Keno tournaments and she walks a quarter mile every day. We extend our congratulations and best wishes to Mrs. Cloutier on this very special occasion;

(HLS 395)

Presented by Representative BLANCHARD of Old Town.

Cosponsored by Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative BLANCHARD of Old Town, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It gives me great pleasure today to speak about this very special lady who, in a few weeks, will become 100 years of age. She came here at the age of three from Quebec. She and her family settled in what was known back then as French Settlement, which is now known as West Old Town. A lot of people here are going to wonder why it was French Settlement. Well, the reason it was French Settlement is because my mom was raised there. Also, I think she met her future husband there. Later in life, they were married. She and her husband moved from French Settlement to what is now known as Treat and Webster Island, which was called, back then, French Island because 90 percent of the people that lived on that island were French speaking people. They raised four nice children. Her husband worked in most of the wood mills in town, the brush handle, the canoe shop, and she, for awhile, stayed home, raised her family; they always planted a big garden behind the house.

After the children had grown a little bit, I guess she decided she wanted to try to help cut the costs in the operation to the house, so she went to work. I think she went to work at the woolen mill, as what they called a sewer, which was basically a person that replaces what the weaver did not do, as they would run the threads through. They only had a half an hour for lunch, these ladies, so on Friday, on pay day, most of these ladies would leave their jobs, head downtown, they'd eat their hot lunch on the half hour span before they left while they were on the job, they went down cashed their checks, paid the family bills, got back to work within the half hour. There was a nickname for these ladies and it was because they all walked very fast to get downtown. It was a nickname that came out and it was "the woolen mill gate."

After the mills closed, she continued to work, finally retiring at the age of 90. She was working at the Orono Nursing Home as a housekeeper with the housekeeping staff. However, after retirement, she did not slow down. She and her daughter walk about a quarter of a mile everyday from their home to downtown. Now it's not a very long walk, but coming back it's a tough walk, because there's a real steep hill to get back to the island home. Her daughter says "I can't keep up with her." Now on a bad day or a stormy day, they get into the car, they drive to the Old Town-Orono YMCA, and they walk the new track which is a quarter mile long, not just one time around but quite a few times. However, Mrs. Cloutier is still walking when her daughter is sacked. The other retirees and the other walkers are amazed because none of them can stay with her; she just walks right on by them. My comment would be that I think maybe the Olympics ought to have a special treat of people over 75 in a walking contest. If that would happen, I know Lucienne Cloutier would probably come home with the gold. She loves the Red Sox, and she says "I only vote Democrat."

It's been my good fortune to be able to know this lady for 48 years, the reason being, I happened to marry her niece. So to you, Aunt Lucienne, which I can call Aunt now, I wish you a very, very happy birthday on your 100th and hope that you have very many more.

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

Recognizing:

Dr. Donald E. Hoenig, of Belfast, who was named President of the United States Animal Health Association, the nation's leading animal health forum for over a century. He started with the association in 2004 as 3rd Vice President, progressing since then through the ranks. Dr. Hoenig serves on the United States Department of Agriculture Secretary's Advisory Committee on Foreign Animal and Poultry Diseases and is a member of the American Veterinary Medical Association Council on Public Health and Regulatory Veterinary Medicine. He also serves as the Director of the Division of Animal Health and Industry in this State and as the State Veterinarian. We congratulate him on his receiving this national position, and we send him our best wishes; (HLS 396)

Presented by Representative GILES of Belfast.
Cosponsored by Senator WESTON of Waldo.

On **OBJECTION** of Representative GILES of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am pleased and proud to rise and speak in support of Dr. Donald E. Hoenig, of Belfast—although, locally, we know him as "Dr. Don"—although I know him not just for his veterinarian achievements, but I know him more as a devoted husband, father and a community member. Don is a leading member on the Board of Directors for the Waldo County YMCA, and he was an instrumental member in helping build our first YMCA and create us a "Y with Walls", during the past five years. And he currently co-chairs a capital campaign for the Y to have a new pool. Don is a past high school soccer coach and led the Belfast Area High School Girls Soccer team to many championship victories. On one occasion, he finished the playoff game and then drove all night to be with his daughter to participate in the NY marathon the next day.

Professionally, I have heard Don speak about his experiences and with that, he is quite modest. So, I borrowed the following excerpt from the Bowdoin College Alumni magazine—Don is a 1973 Bowdoin graduate—and the following excerpt was written following one of his trips abroad to help with animal health issues in England, and I'll read from that:

"Don Hoenig was among the first U.S. veterinarians to arrive in England to assist with the Foot-and-Mouth Disease (FMD) epidemic March 2001. The United States sent over 400 state and federal vets to help with that crisis, and to learn from it. Preventing a similar outbreak in Maine is one of Don's responsibilities as state veterinarian. He is responsible for overseeing all livestock and poultry health and to prevent the introduction and spread of contagious disease, especially those diseases directly or indirectly transmitted to humans...."

Don spends about half of his time on the road, visiting mostly with dairy farmers, helping them with quality issues. "Farmers are the hardest working people around," he says. "I have a real admiration for their work ethic."

Don has worked in his capacity with the State of Maine since the mid-1980's when he and his wife, Lynn, decided they wanted to live on a small farm in Belfast and raise their three children. Today, I am very pleased to honor Don with this Legislative Sentiment. I am even more pleased that he and his wife could be here with us today, and I congratulate him on his achievement and thank both he and Lynn for being a part our Maine community.

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. I rise on behalf of the Agriculture, Conservation and Forestry Committee to thank Dr. Hoenig. He's been tireless as a state vet helping us win issues we need. He also helped at a national level to get funding, so that folks that come back here, take veterinary medicine and come back and get some help with their loans and grants for financing their school expenses, and he really has been willing to go anywhere. He'll come to our committee at any time to talk to us and answer our questions about what's going on in the world of agriculture in Maine or the country or the world, and I have almost forgiven him for being a Yankees fan.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Dr. Hoenig has provided quality information and testimony to the Ag Committee on numerous occasions, whether he's telling us about animal diseases or his visit to the poultry farm in Turner, it's always been extremely helpful. As a matter of fact, when he gets done, you say, wow, that was really interesting and informative. Representative Pieh kind of got a step ahead of me, but I want to tell you the respect that he has for this body. When you have an opportunity to see him in the gallery, you'll notice he will not be wearing his Yankees hat.

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

Recognizing:

Jacob R. Paul, a citizen of the Penobscot Indian Nation, born and raised on Indian Island, for his contributions to his community and State. The son of Michael and Terri Paul, Jacob has been a leader throughout his life. In 1999, he received the National Native American Indian Student Eagle Awards: the Jim Thorpe Award, the Outstanding Leadership Award and the Community Service and Spiritual Leadership Award. Jacob has excelled in school as an honor student and was the runner-up in the *Bangor Daily News* Spelling Bee in 2003-2004. In 2005, he won first place in the Wabanaki Art show. During his school years, he excelled in sports as well as academics, playing Youth Basketball, Little League and football and participating in cross-country track. In his senior year, Jacob was an All-Star 1st Team Offensive Tackle and 2nd Team Defensive Lineman and was chosen as an All-Star Senior Player in the Annual Maine Shrine Lobster Bowl Classic, which raises money for the Shriners Hospitals for Children burn care centers. Also in his senior year, he was a spring track senior-year player in the shot put, javelin and 4 x 100 relay. He was chosen to play at "Close Up" in Washington, D.C. Jacob has an extensive and exemplary involvement with his community as a member of the Penobscot Nation Tribal Youth Group and as a volunteer at the Penobscot Nation Boys and Girls Club, helping to build the "Medicine Path Boardwalk" so that community youth and other nonnative people could learn Tribal medicine plants. He also helped plan and participated in the first Penobscot Nation Boys and Girls Club "National Night Out," an evening during which youths are encouraged to volunteer and become involved in the community and to find paths other than those of crime and drug use. We send Jacob our appreciation for his dedication to his community, and we send him our best wishes on his future endeavors;

(HLS 397)

Presented by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SCHNEIDER of Penobscot, Representative BLANCHARD of Old Town.

On **OBJECTION** of Representative MITCHELL of Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell.

Representative **MITCHELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's a pleasure for me to rise today to recognize this young man. Very seldom we get an opportunity to recognize someone young, who has accomplished so much at such an early age, and it's somewhat of a juxtaposition that my good friend Representative Blanchard would be celebrating and honoring his Aunt Lucienne, who is 100 years old, and today I'm honoring a young man that's just beginning his life, so it's an interesting correlation. Our communities are only a river apart and we could throw stones to each other, so I find that very, very interesting that this has happened today. But Jacob has always been an outstanding young man in our community, so it's a great pleasure and it's an honor for me to be able to recognize him for his efforts, and I wish him all the best at the University of Maine Orono this fall. Thank you.

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

From the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Maine Emergency Services Institute"

(H.P. 816) (L.D. 1177)

Received by the Clerk of the House on May 26, 2009, pursuant to Joint Rule 309.

On motion of Representative HASKELL of Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)** on Bill "An Act To Suspend Driver's Licenses of Persons Operating All-terrain Vehicles, Watercraft and Snowmobiles while Intoxicated"

(H.P. 495) (L.D. 712)

Signed:

Senators:

NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:

LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
BURNS of Whiting
MAGNAN of Stockton Springs
SYKES of Harrison

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

HASKELL of Portland
HANLEY of Gardiner
PLUMMER of Windham
WHEELER of Kittery

READ.

Representative HASKELL of Portland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for 2 Years"

(H.P. 225) (L.D. 285)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
CASAVANT of Biddeford
LOVEJOY of Portland

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)** on same Bill.

Signed:
Senator:
WESTON of Waldo

Representatives:
FINCH of Fairfield
JOHNSON of Greenville
McFADDEN of Dennysville
RICHARDSON of Carmel

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)** on Bill "An Act To Increase Consumer Choice for Wine"

(H.P. 696) (L.D. 1008)

Signed:
Senators:
SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:
BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton
RUSSELL of Portland

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

Signed:
Representatives:
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

READ.

On motion of Representative TRINWARD of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Regarding Saltwater Recreational Fishing"

(H.P. 935) (L.D. 1331)

Signed:
Senator:
RECTOR of Knox

Representatives:
McKANE of Newcastle
KRUGER of Thomaston
MacDONALD of Boothbay
PRESCOTT of Topsham
WEAVER of York
EATON of Sullivan
TILTON of Harrington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)** on same Bill.

Signed:
Senators:
DAMON of Hancock
SULLIVAN of York

Representatives:
PERCY of Phippsburg
ADAMS of Portland

READ.

On motion of Representative PERCY of Phippsburg, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)** on Bill "An Act To Base the Value of Eminent Domain Takings on Going Concern Value"

(H.P. 832) (L.D. 1207)

Signed:
Senators:
HOBBINS of York
HASTINGS of Oxford

Representatives:
DILL of Cape Elizabeth
HILL of York
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

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

Signed:
Senator:
BLISS of Cumberland

Representatives:
PRIEST of Brunswick
BRYANT of Windham
CLEARY of Houlton
KRUGER of Thomaston
STEVENS of Bangor

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought Not to Pass** Report.

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

CONSENT CALENDAR

First Day

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

(H.P. 378) (L.D. 533) Bill "An Act To Establish a State-controlled Casino" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)**

(H.P. 473) (L.D. 659) Bill "An Act To Remove the Sales Tax on Watercraft" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)**

(H.P. 667) (L.D. 965) Bill "An Act To Establish Annual Reporting for Genetically Engineered Crops" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)**

(H.P. 674) (L.D. 972) Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-384)**

(H.P. 729) (L.D. 1054) Bill "An Act To Promote Economic Development in the Greater Portland Region" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)**

(H.P. 805) (L.D. 1166) Bill "An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)**

(H.P. 818) (L.D. 1179) Bill "An Act To Create a Post-judgment Mechanism To Provide Relief for a Person Whose Identity Has Been Stolen and Falsely Used in Court Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

(H.P. 845) (L.D. 1225) Bill "An Act To Amend the School Funding Formula Regarding School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)**

(H.P. 848) (L.D. 1228) Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)**

(H.P. 851) (L.D. 1231) Bill "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-401)**

(H.P. 862) (L.D. 1243) Bill "An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension" Committee on **CRIMINAL**

JUSTICE AND PUBLIC SAFETY reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**

(H.P. 884) (L.D. 1265) Bill "An Act Regarding Low-profit Limited Liability Companies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)**

(H.P. 894) (L.D. 1275) Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 953) (L.D. 1363) Bill "An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

(H.P. 976) (L.D. 1397) Bill "An Act To Allow Efficient Health Insurance Coverage" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-393)**

(H.P. 989) (L.D. 1413) Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)**

(H.P. 992) (L.D. 1416) Bill "An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)**

(H.P. 995) (L.D. 1419) Bill "An Act To Implement Respectful Language Amendments" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)**

(H.P. 1013) (L.D. 1461) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)**

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

(H.P. 964) (L.D. 1374) Bill "An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

On motion of Representative HASKELL of Portland, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 28, 2009.

(H.P. 931) (L.D. 1327) Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-390)**

On motion of Representative TRINWARD of Waterville, 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-390)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-390)** and later today assigned.

(H.P. 861) (L.D. 1242) Bill "An Act To Streamline the Regulatory Process for Commercial Building Construction Projects" (EMERGENCY) (C. "A" H-368)

(H.P. 936) (L.D. 1332) Bill "An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund" (C. "A" H-360)

(H.P. 1019) (L.D. 1464) Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities" (C. "A" H-364)

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

CONSENT CALENDAR Second Day

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

(S.P. 268) (L.D. 693) Bill "An Act To Clarify the Status and Benefits of Employees of the Child Development Services System" (C. "A" S-189)

(S.P. 284) (L.D. 737) Bill "An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits" (C. "A" S-190)

(S.P. 305) (L.D. 791) Bill "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs" (C. "A" S-193)

(S.P. 509) (L.D. 1390) Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham (EMERGENCY) (C. "A" S-188)

(H.P. 1012) (L.D. 1460) Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

(H.P. 39) (L.D. 44) Bill "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities" (C. "A" H-369)

(H.P. 68) (L.D. 78) Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY) (C. "B" H-374)

(H.P. 623) (L.D. 905) Resolve, To Require the State To Consult with the City of Hallowell prior to the Sale of Certain Real Property (EMERGENCY) (C. "A" H-358)

(H.P. 633) (L.D. 915) Bill "An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety" (C. "A" H-357)

(H.P. 646) (L.D. 943) Bill "An Act To Reduce Lung Cancer Rates in Maine" (C. "A" H-365)

(H.P. 649) (L.D. 946) Bill "An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation" (C. "A" H-359)

(H.P. 694) (L.D. 1006) Bill "An Act To Create the Probate and Trust Law Advisory Commission" (C. "A" H-349)

(H.P. 711) (L.D. 1036) Bill "An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Appeal of a School Board's Decision To Discharge a Superintendent, the Telecommunications Education Access Fund and Certain Definitions and Programs" (C. "A" H-373)

(H.P. 745) (L.D. 1078) Bill "An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens" (C. "A" H-351)

(H.P. 52) (L.D. 59) Bill "An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans" (C. "A" H-362)

On motion of Representative HASKELL of Portland, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-362)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-362)** and later today assigned.

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

ENACTORS Emergency Mandate

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011

(H.P. 274) (L.D. 353)
(H. "E" H-408 to C. "A" H-350)

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

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. It's amazing how fast something that you've worked on for so many hours arrives on your desk in one fell swoop. I think I calculated, and I believe the Appropriations Committee has logged nearly 1,000 hours on this one document, and now it arrives not even filling a single sheet of paper on our desks. But it's important to not let this moment go by without acknowledging the work and the reality of what LD 353, as amended, really represents. Shortly after the strong vote on engrossment last evening, a colleague in the chamber said to me, well you must feel happy now. I quickly answered, no, not happy. This budget is not a budget that anyone feels happy about; however, I am proud of the work and extremely proud of the process that got us here, and that's exactly how I feel. This budget is not a document that either party will or should point to as defining their principles, priorities or agendas. I hope that we can all point to this budget and say that this is a moment where we put partisanship aside, rolled up our sleeves and got the job done, because it was the right thing to do for the great State of Maine. This is a very responsible budget. It is a reflection of the current economic

times, and, considering the recession, I am proud that this Legislature is meeting the challenge in a bipartisan, thoughtful way, by working to minimize layoffs, protect services to those who need them most, and taking every opportunity to use this crisis to look for efficiencies and opportunities for savings that will improve the quality of state government long into the future. But there is still work to be done, so we cannot pretend that this vote is a cadence to the final chord, but rather the close of one movement and the start of another round of very difficult work that begins right away.

While I may be of only a few who speak often and in great detail about this budget, I do not do it alone and many thanks are in order, Madam Speaker. First, the amazing Appropriations and Financial Affairs Committee, I can only say thank you. We have 13 members who bring their own unique perspective, experience and passions to the horseshoe every single day in our committee room. Every single member contributed significantly, worked for nearly 1,000 hours on this budget, and I can personally say that all of the members of the committee taught me something along the way, since January. Special appreciation goes to the Representative from Waterford, Representative Millett, who's years in state government number more than my age, but who has only treated me with the utmost respect and as an equal throughout this entire process, and that has made all of the difference. I also must thank my Co-Chair from the other body, the good Senator from Cumberland, Senator Diamond, whose thoughtful approach to this budget and to working as a team also made the difference. He is a cowboy, a gentleman, and a person of outstanding integrity, and it was our different but very complimentary dispositions that helped move this process along. But our team extended beyond the 13 members of the Appropriations Committee. Great thanks is due to the Commissioner of the Department of Administrative and Financial Services, Commissioner Ryan Low, and State Budget Officer, Ellen Schneider. Ryan and Ellen put in as many hours as we did and then some. I'm quite certain their families will be very excited to get them back, although, don't get you used to it, because we're going to need you just as much as we continue the work ahead. The Office of Fiscal and Program Review, particularly Maureen Dawson and Grant Pennoyer, the entire team of that office supports all of your committees, but our committee especially relies on their expertise and their experience to help navigate us through what is a very complex web of finances, policy, and blood sweat and tears that go into a budget document, and I owe them great thanks.

I'd also like to thank leadership on all sides for their willingness to let the Appropriations Committee do our work. They put a lot of trust in us and I believe we rose to that challenge and I hope exceeded expectations along the way, but we were only allowed to do that, we were only able to do that because the leadership on all sides said we trust you, and I know that I took that trust very seriously and I believe all the members of the Appropriations Committee did as well. I will thank, again, the policy committees, who I thanked yesterday but it's worth mentioning again. As one member of the press said to me this morning about last night's vote, well that was quick, and I said that's only because so many hours have already gone into this document. Every policy committee had their hands on a significant portion of it along the way, and I believe that is the reason we were able to take the final step forward with a unanimous vote from the Appropriations Committee last week, when many said it could not be done.

Finally, Madam Speaker, I think it's important again to recognize that this is only the beginning of our work. It's my hope that we have set the tone and we have raised the bar on how

budgets can be done in this body and in the great institution of the State of Maine's Legislature. Bipartisanship is key, communication is key, transparency is utmost, and we tried to honor all of those things at every step of the way, every single day in the Appropriations Committee since January. It is my pledge to all of you to continue that work with that spirit, with that transparency, with that communication, with that bipartisanship as we go forward. In my opinion, it is the only way we navigate through the tough waters that we are in right now. You only need to look at the headlines of other states to see that Maine is really doing it the right way, Maine is really getting the job done and setting a standard for other states. So I'm not happy, but I am proud. I'm not excited, but I am optimistic for what lies ahead for Maine, and I believe that LD 353, as it sits before us now, after the thousands of hours of work, is the right step at the right time to help keep Maine on track and make sure that, when things do get better, we will be ready to take advantage of the growth and of stronger economic times ahead. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think our House Chair has covered everything that needs to be said, relative to both the process, the results of our work and the challenges that lie ahead. I appreciate her kind comments. I only wish she could have chosen something other than a reference to my chronological maturity, but be that as it may, I want to say back at you. Representative Cain, it's been a pleasure to work with you and your Co-Chair, the Senator from Windham, Senator Diamond, in an extremely comfortable and cooperative working relationship. I'd also like to thank the four members of my caucus on our side of the aisle: Representative Nutting, Representative Flood, Representative Robinson, and the good Senator from Bucksport, Senator Rosen.

I agree with the comments that Representative Cain has made about the challenges that lie ahead. All we need to do is look at the revenue report that was on our desk yesterday to become a little concerned at the immediate future as well as the long-term recovery that we are so uncertain about. We're nearing the end of this year with little over a month to go, and we're closing in on the revenue re-projection downward and closing in at a point that I'm seriously concerned about. Be that as it may and given all the work that has gone into this budget and the recognition of the difficult times that lie ahead, I think we are well positioned to continue our work and, should the challenges arise immediately, I believe we're qualified and capable of accepting them. So I want to thank all members of the committee, including the other five members of the Democratic membership, including the longest serving member of the House, the Senator from Eagle Lake, who has mellowed considerably over the years and was truly a joy to work with this year. Thank you all.

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

Representative TARDY: Thank you, Madam Speaker. Madam Speaker, Members of the House. Good morning. Madam Speaker, my decision to support this budget, as you know, was not made in haste. When you and I met several months ago, we agreed that the Chief Executive's proposal, as laid out in LD 353, would need thorough deliberation, that in order to best serve the people of Maine, an efficient but deliberate process would need to be undertaken, not the fast track that some people suggested. We needed to do this to create a better budget and one that could possibly get some Republican endorsement.

Madam Speaker, I'd like to thank you and the Representatives from Unity and Bowdoinham, Representatives Piotti and Berry, for your professionalism, for your good faith. I would suggest to this body that you are each skilled negotiators, who advocated passionately and vigorously for your core principles and your priorities, and you did so while, at the same time, listening to what we have to say in our core principles and our priorities. I, too, would like to thank the members of Appropriations, all members, for your service, and I'd also like to, in particular, thank the members from my caucus and my assistant, the good Representative from Madison. Service on Appropriations and leadership is a huge sacrifice. It's long hours, high stress, contention and controversy, both on a partisan basis and in an internal basis. I would just like to publicly state that my trust and confidence in the Republican members on Approps and my assistant is unequivocal. And I'd especially like to thank my good friend from Waterford, Representative Millett. I don't know what we could do in this state without your willingness to put yourself through this budget process.

Madam Speaker, budget making, in the worst recession of our time, is extraordinarily difficult, and I would respectfully suggest that this negotiated document has many flaws, makes revenue assumptions that will undoubtedly need to be revisited; it passes on many problems to the next Chief Executive, the next Legislature; puts obligations on municipalities to step up and share in the process of downsizing, rightsizing and streamlining, or additionally burden the property taxpayer; but I would suggest that this budget does begin the process. The trend towards rightsizing, that reflects the reality of our national and state economy. At over \$500 billion less, this budget is smaller than its predecessor, and I think that's one of the first times that's happened in decades. This budget has a streamlining commission that we on this side of the aisle intend to take seriously, and I would suggest, again respectfully, that that is a bipartisan confession that further cuts need to be made, that we need to make structural changes and downsize and more appropriately right size state government. The streamlining commission's goals are lofty but necessary. We've made structural changes in state employee health insurance and those were very difficult decisions to make. We've made significant structural changes in MaineCare. Did we go where we needed to go? I'd say no, but we did make positive steps toward getting our welfare system closer to the national average and moving the size of government in the right direction, and I think, importantly, this negotiated budget reduces the tax burden compared to the Chief Executive's original proposal. To the income taxpayer, the negotiated product is an improvement; to the property taxpayer the negotiated compromise is an improvement. From any partisan standpoint, there's a lot in this budget not to like, and I respect every individual member of this body right to vote yea or nay, and I think my caucus notes that, but we have heard this saying that perfect should not be the enemy of good. I think it's more appropriate, in this context, to say that good should not be the enemy of reality and necessity.

Madam Speaker, I don't understand this recession. I don't know when it's going to change. The common indicators aren't encouraging—bankruptcy filings, foreclosures, food stamp applications, those are all bad indicators—those are up and this recession has had a profound personal impact on me. Businesses are closing, and I believe times are going to get worse and we will be back dealing with this. I believe that we should hope for better times, and I appreciate the hope and optimism expressed yesterday and today by the good Representative from Orono, but I urge the members of this body to prepare for heavier lifting and far more difficult times. You

know, as leader, Madam Speaker, I need to look at myself and members of my caucus and answer the question is this my best effort and is this our best effort? To my constituents and the people of Maine, I have to ask that same question: is this my best effort and is this our best effort? To the employees of Moosehead Furniture, who in recent months have endured pay cuts, reduced hours, elimination of health insurance benefits, whose neighbors and relatives in nearby Guilford have lost their jobs, I have to ask is this my best effort, is this our best effort? Madam Speaker and members of the House, after thorough deliberation and much, much heartache, my answer is yes. In the absence of the ability to unilaterally make policy, but in recognition of our obligation to shape it, LD 353 has my support and I will be voting yes. Thank you.

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

Representative PIOTTI: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Our State Constitution is fairly clear: We're required to enact a balanced budget and, in a few moments, we'll take that action, but that simple step doesn't reflect the incredible amount of work, toil that has gone into this process. So I too would like to chime in and thank the many people who have made what we're about to do possible, starting with the Chief Executive and his staff, most notably, Commissioner Low, phenomenal efforts; extending that to the members of leadership, who have put in a lot of time in good faith, not always agreeing, but certainly be willing to work together; and I extend a hand to our colleagues, the Representative from Newport, Representative Tardy; the Representative from Madison, Representative Curtis. I, too, applaud and appreciate all of your efforts and good graces through this process. I also want to thank all of you because, as the Representative from Orono, Representative Cain, mentioned, this has been truly a work of everyone in this body. The policy committees laid the foundation upon which the Appropriations Committee could do its good work. Last, but certainly not least, I need to applaud, congratulate and commend the work of the Appropriations Committee. It's become almost a cliché that we're talking about this budget as something that's not great, this budget is something that has shared pain, and those statements are all true, but I view it as us having produced about as good a product as we could in these times. That has not been easy, and, again, I applaud everyone, but particularly the Committee on Appropriations and Financial Affairs and its leadership, the Republican lead, the Representative from Waterford, Representative Millett, and our House Chair, the Representative from Orono, Representative Cain. Extraordinary work from all.

As I look around what's happening nationally and I see what's occurring in other states, we all know that the problems we're facing in these fiscal times are not our own, it is a national problem, but the mechanisms and the approach that we take to solve those problems vary, and I'm very proud of the bipartisan way we've worked together in this state, and I'm very proud of the manner in which we've tried to solve our problems. When you compare it to what's happened in other states, when you look at the number of layoffs that are occurring, when you look at the new taxes that are being proposed, I think we can be very proud in Maine that we have come to consensus. Sometimes the word compromise is a false word, it doesn't really show that good efforts have been taken but rather that people have caved in. I don't think that's the case here. I think here that compromise is consensus. I think here compromise has produced a better product. But as the Representative from Orono said, the work just begins here. As difficult as this was, this was something that we had no choice on. Our Constitution requires that we come to

resolution and, as I said, I'm proud of the resolution we have come to, but a lot of difficult work lies ahead on other matters before this body. I hope the same spirit of bipartisanship and cooperation will endure. I'm confident that it will, given what I know about the people in this chamber. I'm very proud of the work that's been done, I'm very proud with the way that Maine has dealt with this issue. Thank you all for your commitment to this state. Finally, Madam Speaker, I request a roll call.

Representative PIOTTI of Unity **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. A few weeks ago, I went to a town meeting in Ripley, and we went over our budget line by line. We had people who live on some of our gravel roads, who can't get to their houses in the spring. We didn't have the money we needed to fix that road so that they could get in and out. We've got paving projects that we had to do, we couldn't do them. Still, we're probably looking at a 20 or 25 percent property tax increase when the bills come out later this year, in large part due to school consolidation. Jail consolidation, Madam Speaker, has cost Somerset County thousands and thousands of dollars in extra property taxes. We squeezed that budget for everything there was. There's not extra spending in our town budget. I talked to a business owner this morning and they have taken one paycheck since the first of the year, and they're wondering how are we going to pay our property taxes, and I wonder too, and this budget is going to push \$140 million more onto the property taxpayers of the State of Maine. I'm sorry, Madam Speaker. I can't push that much onto the property taxes. I'm going to push my red light. Thank you.

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 120

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett P, Curtis, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Goode, Greeley, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Robinson, Rosen, Rotundo, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Chase, Clark T, Crafts, Davis, Edgecomb, Fletcher, Gifford, Hamper, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, McLeod, Nass, Pinkham, Plummer, Prescott, Richardson W, Sarty, Saviello, Thomas.

ABSENT - Beaulieu, Crockett J, Kent, Pratt, Russell, Sykes.

Yes, 119; No, 26; Absent, 6; Excused, 0.

119 having voted in the affirmative and 26 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

BILLS IN THE SECOND READING

House

Bill "An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit"

(H.P. 518) (L.D. 759)

Bill "An Act to Amend Mercury Standards for Air Emission Sources"

(H.P. 1035) (L.D. 1482)

House as Amended

Bill "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles"

(H.P. 244) (L.D. 308)

(C. "A" H-354)

Bill "An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent"

(H.P. 275) (L.D. 368)

(C. "A" H-347)

Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State

(H.P. 690) (L.D. 1002)

(C. "A" H-353)

Bill "An Act To Establish a Model Dating Violence Prevention Policy"

(H.P. 760) (L.D. 1105)

(C. "A" H-323)

Bill "An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay"

(H.P. 774) (L.D. 1119)

(C. "A" H-375)

Bill "An Act Relating to Industrial Hemp"

(H.P. 798) (L.D. 1159)

(C. "A" H-356)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** 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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-273)** - Minority (4) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require State Employees To Pay 15% of Their Health Insurance Costs"

(H.P. 305) (L.D. 417)

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

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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 bill actually received a very strong bipartisan Ought to Pass vote; in fact, it was unanimous of those present at the time the bill was voted. However, in light of the course of the enactment of LD 353, this bill is now moot and request support for the Ought Not to Pass motion.

Representative MCKANE of Newcastle **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: 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. 121

YEA - Adams, Ayotte, Beaudette, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Clark H, Clark T, Cleary, Connor, Cornell du Houx, Cotta, Cray, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gilbert, Goode, Greeley, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Bickford, Burns, Chase, Crafts, Cushing, Davis, Fletcher, Gifford, Giles, Hamper, Johnson, Joy, Knapp, Knight, Lewin, McKane, McLeod, Nass, Prescott, Thomas.

ABSENT - Beaulieu, Blanchard, Celli, Cohen, Crockett J, Kent, Pratt, Russell, Strang Burgess, Sykes.

Yes, 120; No, 21; Absent, 10; Excused, 0.

120 having voted in the affirmative and 21 voted in the negative, with 10 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act To Repeal Inactive Boards and Commissions"
(H.P. 873) (L.D. 1254)
(C. "A" H-328)

TABLED - May 21, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative PERCY of Phippsburg **PRESENTED** House **Amendment "A" (H-331)**, which was **READ** by the Clerk.

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. LD 1254 unintentionally deleted an important seat on the DMR Advisory Council, that of a representative from the recreational saltwater

angling community. This amendment simply puts that seat back on the council. Thank you.

Subsequently, **House Amendment "A" (H-331)** was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-328)** and **House Amendment "A" (H-331)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits

(S.P. 90) (L.D. 267)
(C. "A" S-156)

TABLED - May 21, 2009 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - **PASSAGE TO BE ENACTED.**

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass** as Amended by **Committee Amendment "A" (S-162)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal the Informed Growth Act"

(S.P. 83) (L.D. 242)

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

TABLED - May 26, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

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

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. Earlier in the session, there was strong—I shouldn't say strong, it went under the hammer—acceptance of LD 448, which provides exemption language for the Informed Growth Act. At this point, because it has received such strong support in both the House and the other body, I would respectfully request that repeal of the Informed Growth Act is not needed and would respectfully request support for the Ought Not to Pass Report.

Representative HAYES of Buckfield **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: 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. 122

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Campbell, Carey, Casavant, Clark H, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Rotundo, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens,

Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgcomb, Fitts, Fletcher, Fossel, Gifford, Greeley, Hamper, Harvell, Hayes, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson W, Robinson, Rosen, Saviello, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Cain, Celli, Crockett J, Kent, Pratt, Russell, Sarty, Strang Burgess, Sykes.

Yes, 94; No, 48; Absent, 9; Excused, 0.

94 having voted in the affirmative and 48 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Nine Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-197)** on Bill "An Act To Amend the Department of Health and Human Services' Progressive Treatment Program"

(S.P. 105) (L.D. 341)

Signed:

Senators:

MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
PETERSON of Rumford
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

JONES of Mount Vernon
STUCKEY of Portland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-198)** on same Bill.

Signed:

Representative:

EVES of North Berwick

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-197)**.

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-197)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-197)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 28, 2009.

CONSENT CALENDAR

First Day

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

(S.P. 101) (L.D. 337) Bill "An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 133) (L.D. 391) Bill "An Act To Amend the Law Concerning Adverse Possession" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 554) (L.D. 1479) Bill "An Act Relating to Biomass Gasification" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 75) (L.D. 225) RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Protection of Funding of Certain Programs Administered by the Department of Inland Fisheries and Wildlife Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)**

(S.P. 346) (L.D. 924) Bill "An Act To Clarify the Taxability of Promotional Credits in the State Gaming Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-205)**

(S.P. 397) (L.D. 1063) Bill "An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)**

(S.P. 500) (L.D. 1384) Bill "An Act To Clarify Apportionment of Benefits for Multiple Work Injuries" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)**

(S.P. 502) (L.D. 1386) Bill "An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)**

(S.P. 532) (L.D. 1447) Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-202)**

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

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Reduce Misuse of Woodlands by the Public"

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

has had the same under consideration, and asks leave to report:

That the Senate **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY SENATE AMENDMENT "A" (S-78)** thereto. **RECEDE** from **ADOPTION OF COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY SENATE AMENDMENT "A" (S-78)** thereto. **RECEDE** from **ADOPTION OF SENATE AMENDMENT "A" (S-78) TO COMMITTEE AMENDMENT "A" (H-62)** and **INDEFINITELY POSTPONE** same. **READ** and **ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (S-206) TO COMMITTEE AMENDMENT "A" (H-62)**. **ADOPT COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-206)** thereto. **PASS** to be **ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-206)** thereto, in **NON-CONCURRENCE** and send down for concurrence.

That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
SHAW of Standish
SARTY of Denmark

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-206)** thereto in **NON-CONCURRENCE**.

The Committee of Conference Report was **READ** and **ACCEPTED**.

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

Divided Reports

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms"

(S.P. 451) (L.D. 1218)

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson
WALSH INNES of Yarmouth
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-226)** on same Bill.

Signed:

Representatives:

HAMPER of Oxford
EDGECOMB of Caribou
AYOTTE of Caswell

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

On motion of Representative DUCHESNE of Hudson, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

On motion of Representative TARDY of Newport, the House **RECONSIDERD** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

The same Representative **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 Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I live in a coastal town, we have three beautiful beaches, and there are a lot of living creatures that live along this beach that we protect on a regular basis, the Piping Plover is one of them, and some of the others that live there. Well, one of the species that we're not doing a very good job of protecting that live along the beaches are the human species right now, and the people that live along there love the ocean, love the beach, just like the animals that live there love the ocean and love the beach, and they want to protect their nests.

This is a bill that was a simple request for someone that lived along Drakes Island to be able to protect their home from some of the severe storms that hit along that area. Now there are seawalls that are there that are perfectly legitimate and they protect along the front, the frontal dunes, and they do the job that they're supposed to do. What this gentleman really wanted was to be able to put up a fence or replace a fence that he already had there, that so when the ocean came above that seawall and the rocks and the ice or whatever else happens to be thrown up and over that seawall and comes across his lawn and into the front of his house wouldn't destroy his home. His fence got destroyed in a storm, but it did protect his home. He requested to have that fence replaced and he was denied, and it was simply because this particular barrier, because you never know when a storm is going to come, it doesn't necessarily come in only the six or seven months in the wintertime, sometimes it can come in the fall equinox or before, and in the spring equinox when the moon is full and the tides are high, or sometimes I've seen it happen on just a regular storm that you wouldn't think was going to do anything, the sea just turns up and things are thrown above that wall and homes are damaged. This person just wanted the ability to be able to build a barrier fence, and this is just a simple little slatted fence that goes along the front of their home, but between them and the seawall on the already developed portion of their lot, they wanted to build and replace this fence and they were denied.

Now some of the reasons were because a barrier fence kept getting interchanged with the word dune to protect the seawall along the ocean, but this is not a seawall, this is a fence behind the seawall and in the developed yard of the person who lives there, and I'm asking you to really take rethinking this process and think about protecting some of the people that live there. We wonderfully protect all the other little creatures that live there, but you know what, humans live there too and their nests are just as important to them as a Piping Plover nest is to them, so I'm

asking you to rethink this Majority Ought Not to Pass and to vote it down. 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. This is the kind of bill that I really hate to rise on, because I feel the pain of these individuals who brought this bill forward. It's a very difficult situation when you live in that circumstance and the committee really wrestled with this for a long time looking for options.

The bill was brought forward to us to help two neighbors in Wells, whose houses are in a coastal flood zone and, in the past, this has been a very, very contentious issue, so contentious, in fact, that a few Legislatures ago, this was sent out to a stakeholder group which involved half of the free world, I think. There were an awful lot of people serving the stakeholder's group and they fought and wrestled for a very long time trying to come up with rules that would be protective of property rights, but also not so injurious to the coastal dune system that we were having impacts that we would be paying for later on. To give you some idea of what happens if you erect barriers in the wrong places, it can cause coastal erosion which impacts your neighbors, and it can impact tourism if you erode enough of the beach because, in that area of Maine, beaches are a significant part of the tourism industry. So these rules were crafted by a stakeholder group, they were passed, I believe in the 122nd Legislature, and they've been in place ever since. They did grandfather a lot of the previous fences and a lot of what was currently on the coast. This bill would remove that part of the grandfathering exemption so that anybody who is in the situation that these two residents were would now be able to build fences. The problem is this may in fact work in that location and have very few impacts. But, once again, this is a law for the entire State of Maine, and we don't know how many other people, under this bill, would now be able to build fences and cause significant impacts to the tourism industry and to other neighbors, and, without that kind of knowledge, it was really difficult for the majority of the committee to go along with this bill.

The other problem, I think, that the majority have to deal with is that there are other options that were presented to these owners. They could create a dune in front of the house instead of a perpendicular barrier fence, but they, for their own reasons, declined to do so. Since they did not decide to go with the other options, or at least pursue them, the majority of the committee decided this was a bill that Ought Not to Pass. Thank you, Madam Speaker.

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

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I noticed that whenever you can illicit a soliloquy from Representative Duchesne, you've probably accomplished your goal that was worthy of the Merchant of Venice to listen to him speak. However, I hope that you listen very carefully to the Representative from Wells, Representative Chase. She outlined it very eloquently, the problem that is facing these two elderly couples. They have a home on Wells Beach. Because of, I believe, the Patriot's Day storm a few years ago, the water from the ocean did come in and erode their front lawn badly. They were simply asking—they were denied the permit initially—they were simply asking that we allow them to build a barrier so that their front lawn would not be washed away. There are barriers on both sides of their home. They showed us pictures. It was very plain to see that a simple barrier would have solved their problem. It was beyond understanding as to why they were not

allowed to simply build this structure so that their yard would not be washed away. It would not have hurt the Piping Plovers in any way, the Piping Plover's nest and sand dunes, and not in the littoral zone or the zone between high tide and low tide. I ask you to please allow these people, these elderly people who don't want to see their home washed away, the ability to simply put this wall up. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The Representative from Wells did a very good job of defining the issue here. I would love to be able to talk about the narrowly crafted Minority Report, but I can't do that at this time, so I just rise to ask you to defeat the Majority Ought Not to Pass and let's give the Minority Report a chance to be heard. Thank you very much.

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

ROLL CALL NO. 123

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

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

ABSENT - Cain, Celli, Crockett J, Harvell, Kent, Pratt, Sykes. Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Reform Natural Resources Agencies and Establish the Department of Natural Resources" (EMERGENCY)

(S.P. 539) (L.D. 1453)

Signed:

Senators:

JACKSON of Aroostook

COURTNEY of York

Representatives:

BOLAND of Sanford

BROWNE of Vassalboro

WILLETTE of Presque Isle

COTTA of China

CLARK of Easton
HARVELL of Farmington
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-212)** on same Bill.

Signed:
Senator:
SIMPSON of Androscoggin

Representatives:
HAYES of Buckfield
BEAUDETTE of Biddeford
KAENRATH of South Portland

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)** on Bill "An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships"

(H.P. 301) (L.D. 413)

Signed:
Senators:
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:
PIEH of Bremen
SMITH of Monmouth
McCABE of Skowhegan
O'BRIEN of Lincolnville
EDGECOMB of Caribou
GIFFORD of Lincoln
CRAY of Palmyra

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

Signed:
Representatives:
PERCY of Phippsburg
PRATT of Eddington

READ.

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-383)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 28, 2009.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)** on Bill "An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine"

(H.P. 491) (L.D. 708)

Signed:

Senators:
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:
PIEH of Bremen
SMITH of Monmouth
PERCY of Phippsburg
KENT of Woolwich
McCABE of Skowhegan
PRATT of Eddington
CRAY of Palmyra
O'BRIEN of Lincolnville

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

Signed:
Senator:
BRYANT of Oxford

Representatives:
EDGECOMB of Caribou
GIFFORD of Lincoln

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness

(H.P. 943) (L.D. 1342)

Signed:
Senators:
GERZOFKY of Cumberland
DAVIS of Cumberland

Representatives:
HASKELL of Portland
HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
WHEELER of Kittery
MAGNAN of Stockton Springs
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-414)** on same Resolve.

Signed:
Senator:
NUTTING of Androscoggin

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, To Reduce Childhood Obesity in Schools by Adding to the Physical Education Curriculum

(H.P. 802) (L.D. 1163)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel
JOHNSON of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)** on same Resolve.

Signed:

Representatives:

CASAVANT of Biddeford
McFADDEN of Dennysville

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)** on Bill "An Act To Enhance Fund-raising Opportunities by Certain Nonprofit and Fraternal Organizations"

(H.P. 567) (L.D. 831)

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

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

Signed:

Senator:

GOODALL of Sagadahoc

Representative:

VALENTINO of Saco

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-389)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 28, 2009.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require a State Agency To Reference the Livable Wage in Information Published by That Agency" (EMERGENCY)

(H.P. 915) (L.D. 1312)

Signed:

Senators:

SIMPSON of Androscoggin
COURTNEY of York

Representatives:

BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)** on same Bill.

Signed:

Senator:

JACKSON of Aroostook

Representative:

BOLAND of Sanford

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control Property Tax Increases

(H.P. 576) (L.D. 840)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor
CROCKETT of Augusta

PILON of Saco
 VALENTINO of Saco
 SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)** on same RESOLUTION.

Signed:
 Senator:
 NASS of York

Representatives:
 LANGLEY of Ellsworth
 CHASE of Wells
 KNIGHT of Livermore Falls

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative MCKANE of Newcastle **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 Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This resolution proposes to amend the Constitution of the State of Maine to limit increases in property taxes to the rate of inflation, quite simple. I'm not going to hold my breath that we will get a two-thirds vote here today, but I think it's an important issue. We have all heard about property taxes from our constituents, I think I can say that with confidence, and it's not secret to anyone in the room the anguish that property taxes cause among Maine citizens. Our property taxes in this state are among the highest in the country and continue to rise dramatically, especially along the coast. State and local governments and school systems that continue to spend beyond the rate of inflation are the culprit, not so much the state this year, perhaps, but then again, we are shifting a lot on to property taxes this year and we're going to be feeling next year and the year after. As one municipal official put it, our expenses go up faster than inflation, so I don't quite understand that, but that was one of the reasons that they should be able to have no limits on property taxes. Another one said this could tie the hands of municipal government. Maybe that's not such a bad idea. The Maine Municipal Association, who are paid for by our property taxes, were the only ones with opposing testimony. Maine homeowners are helpless to this system and must simply pay these ever increasing property taxes or sell their homes. When someone purchases real estate, usually their biggest lifetime investment, I believe they should be able to predict far into the future what the expenses of that property will be. We know what the mortgage payments will be, we have a good idea what maintenance and insurance will be, but we really can't say what our property taxes will be, even next year. Property taxes need to be stable, predictable and fair. With income taxes, if you earn more you pay more. With sales taxes, if you spend more you pay more. But with Maine's property taxes you pay more if your evaluation increases, or if the state decides to allocate less money and GPA, or when the government and education spending continues to rise, but not because of something you are directly responsible for.

Property tax caps have been very successful in other states, Massachusetts is a model. Massachusetts implemented a cap in

1980. At the time, their property tax burden was second only to New York. Now they rank in the middle of the pack nationally. They shed the "Taxachusetts" label. Capping property taxes doesn't seem to affect education results. In 2007, Massachusetts school children outscored every other state in the country on three of the four National Assessment Educational Progress exams and tied for first on the fourth. The average SAT score for Massachusetts' high school students was 29 points above the national average, 61 points above New York's average, with essentially the same percentage of students taking the tests. California's famous Prop 13, passed Prop 13 back in 1976. It has been extremely successful, Madam Speaker, and considered the third rail of California politics because of its popularity. Proposition 13 has provided predictability for property owners and it has increased community stability. Supporters argue that while the progressive income tax may take higher incomes, property taxes take a higher percentage of lower incomes, especially for those people who own highly valued property but have lower incomes, and that is often the case here in Maine where, along the coast, we have ancestral homes, they are valued very high but the incomes do not match the evaluations.

In 2004, the Polesky Tax Cap Initiative was defeated at the polls in Maine for primarily two reasons: One was that the initiative was simply too extreme. It contained a retroactive clause that would have taken evaluations back ten years. The other reason that the Polesky Tax Cap Initiative failed was that the people of the state had been promised real property tax relief with the MMA referendum, which passed in June 2004. The referendum directed state government to pay for 55 percent of the costs of education and 100 percent of the cost of special education. The result, in January 2005, was LD 1, along with the promise of bold and historic tax relief. This has not been the case. The Department of Education continues to shift expenses that were formally 100 percent funded by the state onto the backs of property taxpayers by including these programs in the EPS formula. Also, as we well know, minimum receiver districts got their promised 100 percent allotment cut in half last year. The promise of bold and historic property tax relief simply has not happened, especially on the coast. Programs such as the Circuit Breaker Program, Homestead Exemption, Working Waterfront, Tree Growth, etcetera do help, but participation in the Circuit Breaker Program, however, is only around 50 percent around those eligible, and the Homestead Exemption is really only a small amount. Working Waterfront helps only a select few. More needs to be done, yet our most recent budget has cut back on these programs also. LD 840 is real property tax reform, will provide real relief that this Legislature keeps promising but never really accomplishes. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This measure would simply strangle municipalities. It's as simple as that. If you don't feel that municipalities can treat their own budgets with responsibility, that municipalities have no care for how taxpayers face and pay their property taxes and increase their taxes year to year, then you can vote for this measure. It's really kind of like trying to pass a constitutional amendment to stop the rain today. If the good Representative from Newcastle, Representative McKane, really feels that Proposition 13 accomplished such great things in California, then I wonder why California is currently laying off 5 percent of its government employees, is facing a multibillion dollar deficit and is likely to go bankrupt unless things can change out there quickly. We don't need this kind of measure. It's a nice thing to talk about, but it's not workable and I

encourage you to support the Majority Ought Not to Pass Report. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. Just in response to the good Representative from Bath, I'd just like to say that they might be laying off some state workers in California; however, the property owners in California are able to keep their homes. Thank you.

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. 124

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

NAY - Austin, Ayotte, Browne W, Burns, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, O'Brien, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Beaudette, Celli, Crockett J, Kent, Pratt, Richardson W, Sykes.

Yes, 93; No, 51; Absent, 7; Excused, 0.

93 having voted in the affirmative and 51 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Designate Sales Tax Holiday Weekends"

(H.P. 792) (L.D. 1148)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
VALENTINO of Saco
CROCKETT of Augusta
PILON of Saco
CHASE of Wells
SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-400)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
FLEMINGS of Bar Harbor
KNIGHT of Livermore Falls

READ.

On motion of Representative WATSON of Bath, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Reform Maine's Motor Fuel Tax Laws"

(H.P. 942) (L.D. 1341)

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
BROWNE of Vassalboro
PEOPLES of Westbrook
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska
HARLOW of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)** on same Bill.

Signed:

Representative:

CAREY of Lewiston

READ.

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

Ten Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-396)** on Bill "An Act To Repeal the Requirement That Alien Big Game Hunters Be Accompanied by Guides Licensed by the State"

(H.P. 199) (L.D. 253)

Signed:

Senator:

JACKSON of Aroostook

Representatives:

CLARK of Millinocket
EBERLE of South Portland
BRIGGS of Mexico
SHAW of Standish

DAVIS of Sangerville
WHEELER of Kittery
SARTY of Denmark
CRAFTS of Lisbon
SAVIELLO of Wilton

One Member of the same Committee reports in Report "B"
Ought to Pass as Amended by Committee Amendment "B"
(H-397) on same Bill.

Signed:
Senator:
BRYANT of Oxford

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

Signed:
Representative:
McLEOD of Lee

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-396)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 28, 2009.

CONSENT CALENDAR

First Day

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

(H.P. 97) (L.D. 113) Bill "An Act Regarding Construction and Excavation near Burial Sites" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)**

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

Reference was made to Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

(H.P. 584) (L.D. 849)

In reference to the action of the House on May 27, 2009 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative TUTTLE of Sanford
Representative GILBERT of Jay
Representative CAMPBELL of Newfield

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

On motion of Representative BLANCHARD of Old Town, the House adjourned at 12:18 p.m., until 9:00 a.m., Thursday, May 28, 2009.