

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 28, 2009 – June 12, 2009

Second Regular Session

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
55th Legislative Day
Wednesday, June 10, 2009

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

Prayer by Pastor Sondra Withey, Locke Mills Union Church/Rumford Point Congregational Church.

National Anthem by Kate Hanley-Swanson, Gardiner.

Pledge of Allegiance.

Doctor of the day, Key Stage, MD, FACS, Camden.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

(H.P. 1000) (L.D. 1424)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471)** in the House on June 9, 2009.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative HAYES of Buckfield, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Increase Access to Nutrition Information"

(H.P. 878) (L.D. 1259)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481) in the House on June 2, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481) AS AMENDED BY SENATE AMENDMENT "B" (S-314)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 402)

MAINE SENATE

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

June 9, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Nancy S. Perkins of Cornish for appointment to the State Board of Education.

Sincerely,

S/Joy J. O'Brien

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

ORDERS

On motion of Representative MITCHELL of the Penobscot Nation, the following Joint Resolution: (H.P. 1045) (Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: ADAMS of Portland, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BICKFORD of Auburn, BLANCHARD of Old Town, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, DILL of Cape Elizabeth, DRISCOLL of Westbrook, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FLETCHER of Winslow, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HILL of York, HOGAN of Old Orchard Beach, HUNT of Buxton, JOHNSON of Greenville, JOY of Crystal, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LANGLEY of Ellsworth, LEGG of Kennebunk, LOVEJOY of Portland, MARTIN of Orono, MARTIN of Eagle Lake, McFADDEN of Dennysville, McLEOD of Lee, NASS of Acton, NELSON of Falmouth, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PRATT of Eddington, RANKIN of Hiram, RICHARDSON of Warren, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SCHATZ of Blue Hill, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

JOINT RESOLUTION MEMORIALIZING CERTAIN NATIONAL PRIVATE ENTITIES TO HONOR MAINE BASEBALL GREAT LOUIS SOCKALEXIS AND TO AFFORD APPROPRIATE RESPECT TO NATIVE AMERICAN ATHLETES

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the professional American League baseball team, the Cleveland Indians, the National Baseball Hall of Fame and the national magazine *Sports Illustrated* as follows:

WHEREAS, Louis Sockalexis was a Penobscot Indian from the State of Maine, a grandson of a Penobscot chief and the son of a Penobscot tribal governor, and he was a legendary American baseball player in the early 1890s; and

WHEREAS, Louis Sockalexis is a charter member of the College of the Holy Cross Athletic Hall of Fame, a member the Maine Baseball Hall of Fame, a member of the Maine Sports Hall of Fame and the American Indian Hall of Fame for his extraordinary athletic gifts; and

WHEREAS, Louis Sockalexis was so explosive a force on the baseball diamond that he inspired Maine author Gilbert Patten to create a legendary fictional baseball character, Frank Merriwell of Yale, for stories published in a national magazine, and Mr. Sockalexis played in 2 baseball seasons for the College of the Holy Cross in Worcester, Massachusetts; and

WHEREAS, Louis Sockalexis was the first known American Indian to play major league baseball, playing in the 1897 season, and is, without question, the inspiration for the team name Indians, first adopted informally by the Cleveland major league franchise in March 1897 and then officially adopted in 1915; and

WHEREAS, the Cleveland Indians team ignored a petition by the Penobscot Nation in 2000 to cease and desist the use of its caricature mascot "Chief Wahoo," which the Penobscot Nation and many other Americans consider racist and disrespectful to the memory of Louis Sockalexis; and

WHEREAS, in 1963 Baseball Hall of Fame writer Lee Allen declared another player, James Madison Toy, to be the first American Indian major league baseball player, yet there is no proof of the other man's Indian background, while Mr. Sockalexis was continuously identified as an American Indian from the beginning of his career; and

WHEREAS, James Madison Toy was never referred to in his career as an Indian and his death certificate declared him to be "white," and Louis Sockalexis was known nationally as an Indian and was subjected to racism from the media, the fans and his fellow players; and

WHEREAS, being the first American Indian baseball player who performed under such conditions 50 years before the great Jackie Robinson broke the color barrier, Louis Sockalexis paved the way for the quick ascension of more American Indian baseball players to the sport, such as Charlie Bender, John Meyers and Jim Thorpe; and

WHEREAS, the national magazine *Sports Illustrated* omitted Louis Sockalexis from its "50 Greatest Athletes from the State of Maine" and ignored his place in Maine history, United States history and baseball history; now, therefore be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to honor Louis Sockalexis as one of Maine's greatest athletes, who brought much pride to the Penobscot Nation and to all the people of Maine; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Cleveland Indians baseball team immediately drop the use of the mascot "Chief Wahoo," which would demonstrate the team understands the disrespect this

symbol represents to the Penobscot Nation, the citizens of Maine and the legacy of Louis Sockalexis; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request the National Baseball Hall of Fame to formally recognize Louis Sockalexis as the first American Indian to play major league baseball, to acknowledge that he was the man who inspired the team name "Indians" for the Cleveland franchise and to acknowledge that Louis Sockalexis endured groundbreaking experiences in baseball and faced major obstacles in his quest to play baseball, paving the way for other great American Indian players like Charlie Bender, John Meyers and Jim Thorpe who followed him into the major leagues; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the magazine *Sports Illustrated* correct the mistake of leaving both Louis Sockalexis and his cousin Andrew Sockalexis, a marathon runner who placed highly in 2 Boston Marathons and the 1912 Olympics, off its list of the "50 Greatest Athletes from the State of Maine," and to apologize for these actions, which would demonstrate its goodwill and respect for these two extraordinary American Indian athletes; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Cleveland Indians baseball team, the National Baseball Hall of Fame and the magazine *Sports Illustrated*.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative MITCHELL of the Penobscot Nation, the following Joint Resolution: (H.P. 1046) (Cosponsored by President MITCHELL of Kennebec and Representatives: BLANCHARD of Old Town, BRIGGS of Mexico, CAREY of Lewiston, MARTIN of Orono, Speaker PINGREE of North Haven, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, Senator: HOBBS of York)

JOINT RESOLUTION TO HONOR ANDREW SOCKALEXIS

WHEREAS, Andrew Sockalexis, a Penobscot Indian, was the first runner in the State of Maine to make a mark on the national and international scene, and to this day he ranks among the greatest Maine runners of all time because of his notable placings in important races; and

WHEREAS, in 1912, Mr. Sockalexis was one of 123 starters in that year's Boston Marathon, finishing second, which earned him a spot on the United States Olympic team, where he was one of 12 American marathoners who ran in Stockholm; and

WHEREAS, Mr. Sockalexis, at the age of 20, was a member of the prestigious North Dorchester Athletic Club, from the greater Boston area, and he was widely regarded as a serious contender to win the marathon and one Boston newspaper columnist called him the favorite to win a gold medal; and

WHEREAS, Mr. Sockalexis, known for his smooth and effortless running style, felt he waited too long to pick up the pace and finished fourth in the marathon, still a major accomplishment and noteworthy achievement; and

WHEREAS, also in 1912, Mr. Sockalexis finished in second place to the great Clarence DeMar, a 7-time Boston Marathon winner, in a 19-mile race from Old Town, Maine to Bangor's Maplewood Park, now known as Bass Park; and

WHEREAS, he entered the Boston Marathon in 1913 and was considered one of the favorites to win, and he passed runner after runner, but could not close the gap to the leading runner and he placed second in that year's marathon; and

WHEREAS, it was in 1913 that Mr. Sockalexis first developed tuberculosis, or consumption as it was commonly known in that

time, and he was sick for many years, dying at the age of 27 in South Paris, Maine in the summer of 1919; and

WHEREAS, Andrew Sockalexis was honored at his passing by the United States Olympic Committee with a headstone that was engraved "A Member of the American Olympic Team at the Fifth Olympiad held in Stockholm, Sweden in July, 1912"; and

WHEREAS, Andrew Sockalexis is a member of the charter class of the Maine Running Hall of Fame, established in 1989, and a member of the Maine Sports Hall of Fame as well as the American Indian Athletic Hall of Fame; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the memory of Andrew Sockalexis on the 90th anniversary of his untimely death, and to honor him as one of Maine's great athletes, who brought much pride to the Penobscot Nation and to all the people of Maine.

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. I rise today to speak to two resolutions honoring Louis and Andrew Sockalexis two citizens of the Penobscot Nation who were outstanding athletes in their time. The Sockalexis cousins have been continuously and blatantly overlooked for their achievements. It is a shame that it became necessary for us to present these resolutions today; but these two men have never been celebrated for their athletic feats which for the time period in which they lived was unheard of. Many people here in our great State of Maine do not know about them and as such it has made it easy for organizations and publication's both inside and outside our state to be extraordinarily disrespectful of what Louis and Andrew, two men from the Penobscot Nation accomplished.

The Cleveland Indians as they are called today were named in honor of Louis Sockalexis, subsequent to his death, prior to that they were known as the Cleveland Spiders. In 2000 my Tribe, the Penobscots, through a formal Resolution, respectfully requested that the Cleveland Indians stop using the caricature of "Chief Wahoo" a cartoon like Indian face. We felt then as now that it was ignorant and disrespectful. This major league franchise completely ignored our request and as such showed their complete disrespect for us and for our Tribal citizens. The Cleveland franchise refuses to recognize that Louis Sockalexis broke the "color" barrier in Major League Baseball 50 years before Jackie Robinson. The story of Louis Sockalexis and his relationship with the Cleveland franchise is still misunderstood and incorrectly reported by the media. Sports Illustrated, for example, published a list of the top 50 athletes from the State of Maine, first in 1999 to celebrate the end of the century and again in 2003 to celebrate the magazines 50th anniversary, and both times neither of the Sockalexis cousins were ever mentioned. Clearly they belong in any top 10 list of such athletes and arguably Louis could very well vie for the top spot with Joan Benoit Satnuelson. The omissions were both huge and egregious.

Just recently, about two months ago, ESPN did a Mount Rushmore of Athletes for each State and once again the Sockalexis cousins were not given an acknowledgement for their very significant athletic achievements. In this situation we have an entity outside our state dictating who we should consider our greatest athletes. We can't and must not allow these disrespectful mistakes to continue.

One way for us to honor these two very talented, athletic and unique men of the Penobscot Nation is to recognize and adopt

officially the resolution by the Commission on Civil Rights that in 2001 declared that all non-native American schools should immediately cease the use of Native American mascots and logos.

In 2005 the National Intercollegiate Athletic Association banned 18 colleges from post season tournaments because of their hostile and abusive use of Native American mascots and logos, yet sadly such mascots and logos continue to exist today, even here in Maine. By now you would think we would all know better.

Let us use the legacies of these two gifted and talented athletes of the Penobscot Nation and Maine, Louis and Andrew Sockalexis, to at least respect the past and their athletic achievements and to properly recognize them while we work to pave a more positive road toward a societal environment where there will be a respectful future. Thank you, Madam Speaker, Ladies and Gentlemen of the House.

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

Representative TUTTLE: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I know I've talked to Representative Mitchell about this order for a number of weeks, and with the number of people that we've gotten to sign on, I think that particularly the first order, which requested that the National Baseball Hall of Fame to formally recognize Louis Sockalexis as the first American Indian to play major league baseball, and to acknowledge that he was the man who inspired a team for the Cleveland franchise, and to acknowledge that Louis Sockalexis endured groundbreaking experiences in baseball and faced major obstacles in the quest to play baseball that many of us wouldn't realize today. We respectfully urge and request that the main magazine *Sports Illustrated* correct the mistake of leaving both Louis Sockalexis and his cousin Andrew, a marathon runner who placed highly in two Boston marathons and the 1912 Olympics, of its list of 50 Greatest Athletes from the State of Maine, and to apologize for these actions. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative MacDONALD: Thank you, Madam Speaker. I rise in support of the Resolution presented by the Representative from the Penobscot Nation and wish to add my name publicly here now to the Resolution. I inadvertently did not have it there. I fully support all the points of the Resolution that were so ably presented by the Representative from the Penobscot Nation. Thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

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

On motion of Representative TRINWARD of Waterville, the following Joint Order: (H.P. 1047)

ORDERED, the Senate concurring, that Bill, "An Act To Update Department of Defense, Veterans and Emergency Management Laws," H.P. 931, L.D. 1327, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Bert Skinner, of Belfast, who has just received the Bronze Star Medal and Ranger Tab, presented by United States Senator Susan M. Collins, for his gallant service to the Nation during World War II. Mr. Skinner served in the famed unit nicknamed "Merrill's Marauders" and was among the much-needed reinforcements who were responsible for securing the famous Burma Road. The Bronze Star Medal is a United States Armed Forces individual military decoration awarded for bravery, acts of merit or meritorious service. The Ranger Tab is a service school military decoration of the United States Army signifying completion of the 61-day-long U.S. Army Ranger School course in small-unit infantry combat tactics in woodland, mountain and swamp operations. Mr. Skinner was 20 years of age at the time he received his orders and he performed with heroism and selflessness. We extend our congratulations to Mr. Skinner on his receiving these well-deserved acknowledgements of his war service, and we send him our appreciation for his dedicated service to his country;

(HLS 491)

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 proudly rise to recognize Bert Skinner, a friend and constituent from Belfast. This past Memorial Day, Bert was the guest of honor at a special ceremony at the Cole Land Transportation Museum in Bangor. As the daughter of a Bronze Star recipient, U.S. Senator Collins was instrumental in getting Bert his long overdue recognition from World War II, and a close family friend, Dr. Phil Smith, helped her staff with the research. At the ceremony, Senator Collins presented Bert the Bronze Star, along with several medals for his role in World War II as a member of the famous unit known as Merrill's Marauders. Bert was just 20 years old in 1944 and a farmer from Ashland when he was called to war.

When I saw Bert at his church in Searsport recently, he told me that when he got out of the war he did not care about medals, he just wanted to go home. So when I invited Bert and his wife Beatrice to join us today, Bert still told me he'd really done nothing. As humble as Bert is, I am truly honored that he and his wife Beatrice agreed to join us today.

If you can indulge me just a second here, I'd like to just a moment to read a few paragraphs from the official Merrill's Marauders' website about this famous military unit, and I quote: "In August 1943 at the 'Quebec Conference', President Franklin D. Roosevelt, Prime Minister Winston Churchill, and other allied leaders decided that an American Long Range Penetration Mission behind the Japanese Lines in Burma was needed to destroy the Japanese supply lines and communications and to play havoc with the enemy forces while an attempt was made to reopen the much needed Burma Road."

"The Unit was officially designated as the '5307th Composite Unit' Code Name: 'GALAHAD', later it became popularly known as 'MERRILL'S MARAUDERS' named after its leader, Brigadier General Frank Merrill, a West Point graduate from Hopkinton, Mass. The unit was formed into six combat teams of 400 each,

color-coded Red, White, Blue, Green, Orange and Khaki, two teams to a Battalion, the rest formed the H.Q. and Air Transport Commands."

"After preliminary training operations were undertaken in great secrecy in the jungles of Central India, the Marauders began the long march up the Ledo Road and over the outlying ranges of the Himalayan Mountains into Burma. The Marauders with no tanks or heavy artillery to support them, walked over 1,000 miles through extremely dense and almost impenetrable jungles and came out with glory."

"In five major and thirty minor engagements, they defeated the veteran soldiers of the Japanese 18th Division who vastly outnumbered the Marauders. Always moving to the rear of the main forces of the Japanese the Marauders completely disrupted the enemy supply and communication lines, and climaxed their behind the lines operations with the capture of the only all-weather airfield in Northern Burma. The Marauders had to carry all their equipment and supplies on their backs and on the backs of pack mules. Re-supplied by air drops they often had to make a clearing in the thick jungle to receive the supplies. No other American force anywhere had marched as far, fought as continuously or had to display such endurance as the swift moving, hard-hitting foot soldiers of Merrill's Marauders."

Bert was recently interviewed by the *Bangor Daily News* about his wartime experiences. He joined the army in 1944 and was sent on a long sea voyage across the Atlantic and Indian Oceans, enduring an endless train ride in the terrible heat of India, not knowing what his final destination would be. Finally, in a plane that initially could not land because of the heavy tropical rains, his comrades and he landed in their final destination, Burma, as part of a relief unit for the Marauders. When asked about combat, Bert said the war idea was not in my vocabulary, I didn't belong there, but we never could have just sat down and let the Japanese and Germans' run over us, that would have been worse.

When the war was over Bert Skinner came home. He came back to Maine when his father purchased a farm in Belfast. For over 50 years, he and his wife Beatrice have lived on the farm where their children grew up as Bert and Bea worked as farmers, raising chickens, strawberries, green peas, string beans and sweet corn on their 40 acres of land. So today, I join with all of the members of the Maine House of Representatives to honor and to thank Bert Skinner, of Belfast, a true member of the Greatest Generation, for his bravery, his love of country and for defending us all. Thank you, Madam Speaker.

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

Recognizing:

Jerry Day Mason, of Westport Island, an artist and poet, on the celebration of her 90th birthday, May 4, 2009. Mrs. Mason has been a valued Maine resident for the past thirty years, after having spent part of every year of her life here as a summer resident starting at her family's summer home on Mere Point Road in Brunswick. Born in Boston, she is a graduate of Oberlin College and attended Leiden University in the Netherlands and Cranbrook Academy of Art. During World War II, Mrs. Mason held the C. Law Watkins Fellowship at the Phillips Gallery in Washington, D.C. and worked with amputees at Walter Reed Army Medical Center. After the war, she lived with her family in Vermont, Connecticut and Massachusetts, and was active in her communities. In the 1950s, she bought her dream home, an old mill on Westport Island in Lincoln County, and she and her three children spent every summer there enjoying themselves and

learning about the island. When she married Dike Mason, a widower with three children, they eventually moved to this home year-round. As a permanent resident of Maine, Mrs. Mason has pursued her passions of art and poetry and has written a book and shown her artwork throughout the State. She has remained very active since her husband passed away in 1994, and is a constant inspiration to her family, friends and community. We congratulate her on this special birthday;

(HLS 492)

Presented by Representative PERCY of Phippsburg. Cosponsored by Senator TRAHAN of Lincoln, Representative MacDONALD of Boothbay, Representative WATSON of Bath, Senator GOODALL of Sagadahoc.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PERCY**: Ladies and Gentlemen of the House, if you've had the pleasure of being in the Speaker's Office in the last couple of weeks, those are Jerry Day Mason's paintings, and many of you have asked me about this amazing woman, and may I say that she is one of the dearest people in my life and that you, once you have met, will also have that same feeling. By the way, she adopts very easily. She has three children by her first husband and then married Dike with three more. She now has 35 grandchildren and a dozen great-grands, as we call them, and then about 30 other men and women who have crossed her path in the last 30 years, who she has welcomed and adopted as surrogate children. I am one of those children. Her inspiration and her dedication to how to be a part of our community, whether it's just on Westport Island or whether it's in the entire State of Maine, is incredible, and her paintings and poetry will tell you how much she loves the State of Maine. Her paintings tell the stories of that old mill on Westport Island: the big, old, black coal stove in the kitchen with the window looking out on the mouth of the Sheepscot River, the paintings of the grandchildren collecting stones on the coast, the pictures of lovers walking on Popham Beach. She covers it all, she captures it all, as well with her words and her poetry.

Jerry Day Mason, I love you very much, as does the State of Maine. Madam Speaker, I would ask that the entire House join me in singing "Happy Birthday" to Jerry Day Mason and then afterwards, Jerry will be down in the Speaker's Office, so if you would like to come and meet her, because we should all be so energetic and passionate when we turn 90.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just wanted to rise also to recognize Jerry Day Mason, a constituent of mine. I think the one word that personifies her and her art is elegance. I hope that you will all get a chance to look at her elegant art and meet this elegant lady in person later on. Thank you, Madam Speaker.

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

Recognizing:

Caterina MacLean, a senior at Scarborough High School and a member of the Scarborough Academic Decathlon team, on her winning a gold medal for the highest score in the nation on the essay in Division III of the United States Academic Decathlon competition in Memphis, Tennessee. We send Caterina our

congratulations on her achievement and we send our best wishes to her on her future endeavors;

(HLS 493)

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

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

READ.

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

On motion of Representative MACDONALD of Boothbay, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Morgan Mitchell, of Boothbay

(HLS 496)

Was **PASSED.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Tax Relief"

(I.B. 3) (L.D. 976)

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-562)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

READ.

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

ENACTORS

Emergency Measure

An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

(H.P. 970) (L.D. 1380)
(H. "A" H-529 to C. "A" H-429)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures

(H.P. 994) (L.D. 1418)
(H. "A" H-547 to C. "A" H-524)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 214

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

NAY - NONE.

ABSENT - Beaudette, Bolduc, Giles, Hanley, Hill, Lewin, Martin JR, Nass, Percy, Perry, Peterson, Pratt, Robinson, Theriault.

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

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

Emergency Measure

An Act Regarding Maine's Energy Future

(H.P. 1038) (L.D. 1485)
(H. "A" H-540)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 215

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

NAY - Ayotte, Cotta, Crafts, Gifford, Joy, McLeod, Thomas.

ABSENT - Beaudette, Giles, Hanley, Lewin, Martin JR, Mazurek, Perry, Peterson, Pratt, Robinson.

Yes, 134; No, 7; Absent, 10; Excused, 0.

134 having voted in the affirmative and 7 voted in the negative, with 10 being absent, and the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Create a Working Group To Study Landlord and Tenant Issues

(H.P. 747) (L.D. 1080)
(H. "B" H-546 to C. "A" H-489)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 9 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Alcoholic Beverage Tastings

(H.P. 353) (L.D. 498)
(H. "C" H-545 to C. "A" H-281)

An Act To Improve Landfill Capacity

(H.P. 519) (L.D. 760)
(H. "B" H-520 to C. "A" H-451)

An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare

(H.P. 666) (L.D. 964)
(C. "A" H-553)

An Act To Allow for a Dual Liquor License

(H.P. 681) (L.D. 989)
(H. "A" H-542 to C. "A" H-425)

An Act To Alter the Mechanism by which a Political Party is a Qualified Party

(H.P. 716) (L.D. 1041)

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

(H.P. 874) (L.D. 1255)
(H. "A" H-454 to C. "A" H-440; H. "A" H-551)

An Act To Amend the 1980 Maine Implementing Act To Authorize the Establishment of a Tribal Court for the Houlton Band of Maliseet Indians and Related Matters

(H.P. 967) (L.D. 1377)
(C. "A" H-561)

An Act To Expand Tax Incentives for Visual Media Productions

(H.P. 1005) (L.D. 1449)
(C. "A" H-554)

An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

(H.P. 1008) (L.D. 1456)
(H. "A" H-557 to C. "A" H-536)

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

An Act To Enhance Maine's Electronic Waste Recycling Law

(H.P. 381) (L.D. 536)
(S. "A" S-307 to C. "A" H-499)

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

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

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

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

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

ROLL CALL NO. 216

YEA - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy,

Therault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Beaudette, Giles, Hanley, Lewin, Perry, Peterson, Pratt.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Under suspension of the rules, members were allowed to remove their jackets.

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Erin Mills, of Brewer, who was named a 2009 Presidential Scholar

(HLS 482)

TABLED - June 9, 2009 (Till Later Today) by Representative NUTTING of Oakland.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Erin and her mother were going to be here yesterday afternoon, when the Speaker pulled that wonderful surprise on us, we caught them just in time and they made their way back home. So we will be presenting this to them at graduation.

I did want to get on the record that I got to know Erin because she's in my son's class. I probably should restate that because my son is not really in her class, same grade but not the same class. Her accomplishments speak loads to her future. You've heard this probably from me before, you'll probably hear it from me again, we come into this world with one object and that is to make it a better place than it was before we got here. To me it's measured on your tombstone. You have two dates on your tombstone, they're the most worthless dates probably of your life, because one, you're real small and you're screaming and crying and eating and pooping, and the other, you're big, crying, eating and pooping. But it's that dash in between, that's what makes the difference, what have you done between those two dates. And I can tell you right now that Erin Mills has already grown a dash bigger than most all of us sitting in this room, and we can expect more great things from her in the future. She is a person that will work with her skills to make the world a better place.

One other reason that I really wanted to honor Erin for this wonderful presidential award is, after having one session with me, I wanted to prove to you all that there was intelligence in Brewer. Thank you, Madam Speaker.

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

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

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. If I had been present yesterday for Roll Call No. 213, on LD 285, I would have voted nay.

The House recessed until 12:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Making Supplemental 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" (EMERGENCY)

(H.P. 1048) (L.D. 1489)

Sponsored by Representative CAIN of Orono. (GOVERNOR'S BILL)

Cosponsored by Senator DIAMOND of Cumberland.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As I think most of you know by now, yesterday we learned that revenues for the month of May were down by \$21.2 million or 9 percent, and year-to-date revenues are under budget by \$13.1 million or 6 percent. With only three weeks left in the fiscal year and only a few days left in this legislative session, I ask for your support of this bill as the vehicle to deal with this difficult situation.

The bill before you on Supplement No. 1 does three things: Number one, it increases the transfer from the Budget Stabilization Fund in FY 2009, changing the transfer that was in 2010 into 2009. Number two, it includes additional deappropriations in savings from lapsed funds across state government into the Budget Stabilization Fund totaling \$1.64 million. There are no state services impacted and no programs that will have to be stopped or detrimentally impacted. Number three, at the end of LD 353, passed by this body and the other, we left a balance of \$2.6 million at the end of Fiscal Year 2011. This transfers \$2 million of that balance also into the Budget Stabilization Fund. I believe this is a responsible action that is necessary to deal with crossing the fiscal bridge from one fiscal year in 2009 to the next, and I ask for your support. I recognize

that there is a lot of work ahead for the Appropriations Committee and for this full Legislature to meet this incredible challenge at this time, but we are ready to take on that work, and passing this bill allows us the opportunity to meet that challenge and to do that very hard work over the next six months and in the second half of this legislation session. The Appropriations Committee discussed this bill and the revenue situation at length yesterday with Commissioner Ryan Low, with Dr. Mike Allen from Maine Revenue Services and amongst ourselves. We discussed this legislation at length and we voted unanimously to support it at that time. I ask you to join us in the support of this bill in order to help us again cross the bridge from Fiscal Year 2009 into Fiscal Year 2010. 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. Very briefly, I would concur with the words of the good Representative from Orono entirely. This is a chore that none of us looked forward to, even though some of us anticipated the problem, it's worse than we expected, it needs to be addressed and taken care of now. Our side of the aisle has talked about all of the alternatives, none of them are any better than the ones before you. We need to do this; we need to do it now. I urge your support.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 1024) (L.D. 1473) Bill "An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-570)**

(H.P. 1036) (L.D. 1483) Bill "An Act To Stimulate the Maine Economy by Making Funds Available to First-time Home Buyers To Allow Them To Take Advantage of the Federal First-time Home Buyer Tax Credit" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-569)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

UNFINISHED BUSINESS

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

Bill "An Act To Clarify the Role of the Public Advocate"

(H.P. 657) (L.D. 954)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)** on May 12, 2009.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165) AS AMENDED BY**

SENATE AMENDMENT "A" (S-260) thereto in **NON-CONCURRENCE**.

TABLED - June 1, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative HINCK of Portland, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-539)** - Minority (1) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)

(H.P. 269) (L.D. 333)

TABLED - June 8, 2009 (Till Later Today) by Representative MAZUREK of Rockland.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-539)** was **READ** by the Clerk.

Representative CAREY of Lewiston **PRESENTED** House **Amendment "B" (H-565)** to **Committee Amendment "A" (H-539)**, which was **READ** by the Clerk.

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

Representative CAREY: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I will be brief. This is an issue that all of us know well and have been wondering where we would be for the last month or so. There have been a number of discussions within in this body and within the committee quite a bit. This bill is the amendment that the budget that we just put forward has three significant problems. There is a \$5 million cut to municipalities through the program that we know as URIP. There is a \$13 million cut to capital. These are current projects that have been bid, that have been awarded and they are out at contractors. We know who they are, we know the work that they're doing, and they know the employees who will be doing the work. The third piece that is a problem is, as the budget sits that we've adopted, there is no maintenance funding. This amendment that I lay before the House and Madam Speaker is intended to simply fix that problem, and we will fix the long-term funding challenges that we have with our Transportation Budget another day. This is not intended to be a global solution and we'll never have to think about this again, quite the opposite.

Very briefly, what my amendment does is it looks to determine how much pavement is needed to be done to do 1/7th of the state highways outside urban compacts. Why 1/7th and why outside urban compacts? Within urban compacts the property taxpayers of that urban municipality—by urban here, we mean towns of 6,000 or more—so in any town that has more than 6,000 people, its property taxpayers are paying for the maintenance of the state roads within the municipality. So we're talking about a maintenance budget outside of urban areas. The second thing, why are we doing 1/7th a year? Quite simply, 1/7th is what we need to keep our head above water. If we don't do 1/7th of the roads, in two years when we consider another biennial budget, we will be further behind and, as many of the

Representatives on the committee point out, when we fall further behind on basic maintenance of roads that have not been built to modern standards, the condition of the roads deteriorate to such a point that to fix that cost much more than what would have been needed at this time. So Madam Speaker, I lay before the House, House Amendment "B". That's the purpose behind it.

Some of you might be asking, well, what's this going to cost? We've talked about 11¢; we've talked about 5¢; you've heard this cost 3.3 ¢. It goes into effect on the first day of the biennium, and it's flat. It doesn't increase again 10 months or 12 months later, it's flat for the biennium. So Madam Speaker, I urge my colleagues in the House to support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative MAZUREK: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to support the amendment presented by Representative Carey. I think that, as the good Representative indicated, it is a short-term fix to a very serious problem. It involves not just the House, but also the men and women who work in Maine: the contractors, the people who travel our roads, people who need our infrastructure for their daily lives. We are talking about something that is vital to the economic growth of Maine. Without a good infrastructure, without a good system of roads, we have no economic development. We talk an awful lot about doing things economically to develop Maine, and here we are, one of the primary building blocks of economic development, along with communications, is an infrastructure. We have to be able to get goods, people and ideas from place to place. This is a short-term fix. Our roads desperately need to be taken care of, we need maintenance. I cannot emphasize it enough. We are facing a serious problem, there's no question about it. We cannot deny that the roads in Maine are facing a serious crisis. People who say otherwise, I think, are fooling themselves and others with that. You know, it's like if you go into the doctor's office and the doctor shows you a picture of your ankle that's shattered, and you say, Oh no, I have a pebble in my shoe, and walk out or limp out. That's what we're doing when we deny that we don't have a crisis. We really do and there are a lot of things at stake on a short term. Yes, we have some long-term problems, we have 1790 trying to address those problems, but we have to get on a schedule. This amendment will allow us to maintain 1,200 miles over the next biennium, put us on a yearly schedule so that every seven years the roads will be redone again. It's a situation that I'm hoping that we all realize that we all can take a short-term solution and we are working for a long-term solution as well. I really cannot emphasize again how we must do something. We cannot isolate one area, we cannot isolate another. Our roads and bridges are vital to the economic growth, to the social fabric of the great State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative PEOPLES: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I really don't like this amendment. It is the sort of thing where if we do this and we raise this 3.2 ¢ or whatever it is, it's not going to be enough money for our constituents to see much of anything, because it is just barely scarping by. But what the calculation that I keep coming back to, and this is why it's hard, is if we don't do it, what we see is not going to be enough, and unfortunately the good part of it is going to come from what we don't see, because we won't see as many cars in the shop next spring if we do this. We won't see tourists saying we have the worst roads in the United States. We won't see the impact on the people who deliver goods and services, the guys who deliver wood to the paper

mills. Those are all of the things we won't see. Knowing that it's going to be hard for people to understand that this is so necessary because, if in fact we do see those things, that is just not acceptable, it's not acceptable. We have to do this not for the things that our constituents can see, but for the things that our constituents won't see. That's the right thing to do. Maybe not safe, maybe not popular, but it's the right thing to do. I hope that you will keep that in mind, and I thank you very much for your time.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I concur on a number of points with my fellow Transportation Committee members. The main thing that I disagree on is the funding. I just think with our LD 1088, we're asking too much for our taxpayers. Now if this measure should fail, which I would urge you to vote against it, there is another amendment in the works that could do this work without increasing the gas tax. So again, I would urge you to repeal this or vote against this and wait for a better offer. Thank you.

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. I can't disagree with any of the speakers before me. Our roads are in terrible shape and we need to find a way to maintain them better than we are, and we absolutely cannot let them go two years without any maintenance paving, because we'll come back here in two years and we'll see road after road after road that's been destroyed and they'll be no money to fix them. The problem has been well identified. Where I disagree is the solution. Just a minute ago, we heard that state revenues are off by 18 percent, \$25 million, \$22 million, whatever it is, but that's because the people that we serve aren't making the money that they were, and this amendment will cost those people, whose incomes are down, \$48,506,000 in the next two years. I can't ask my constituents to pay more, and I don't know how we as a body can ask the people in Maine to pay almost \$50 million more money. The problem is we have created a crisis with the transportation budget. We had a huge increase in our license fees just last year, in the title fees just last year, and we're taking \$75 million that we've never spent before and we're sending it to the TransCap Fund to do long-term projects, and that's wonderful. We're going to build a new wing on the building, but we can't afford to fix the roof. Let's take part of the money that we're going to use to build that new wing and let's fix the roof. There are other ways to do it without asking the people in Maine to pay more in taxes. We can do better than this. I would urge you to vote down this amendment and we can find a better way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Carey's motion and, to me, to oppose or support this motion, one would have to accept or reject that there is a problem with funding for our roads' infrastructure. Not only is there a funding problem with maintaining roads and bridges, but the ferry service, the airports, rail, and expansion of rail as well, all at risk. As you know, the main source of income is the tax on gas and some fees on a variety of things, like registration, titles, things of that nature, and with the reduction of gas consumption the problem is even more pronounced, creating an even wider gap between fixing or just letting it go. In fact, the

Department of Transportation will soon be developing a list of bridges and roads to be posted in the near future, and to add to the problem, we in Transportation have had to endure the discussion of actually letting roads go to dirt because of the lack of sustainable funding. Maine has approximately 8,300 miles of road to maintain as you have heard. The Department of Transportation has determined that an average of 600 miles should be maintained each and every year. Stimulus money, bonds are greatly appreciated, but bring a quick fix and not a sustainable solution. Jobs and the future of our roads and bridges are the issues at hand.

How would we get there? Well, first it has to be agreed that this is a big problem that needs a lot of money to fix. Madam Speaker, Ladies and Gentlemen, I can only tell you how I am going to vote. I will respect your vote no matter how you vote. I can only repeat that the issue is serious and that the Transportation Committee is at its wits end as to how to create sustainable funding for our road infrastructure. You will further be seeing a list, at some point, of roads, as I said, that will actually list the posted roads and those roads that will be turned into dirt. Madam Speaker, Ladies and Gentlemen, we have come from 11¢ down to 5¢ and now down to 3¢, something's got to give. I thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Van Wie.

Representative **VAN WIE**: Thank you, Madam Speaker. I rise in support of the amendment and understand the difficult decision in possibly raising gas taxes for our constituents. I certainly support the important task of maintaining the capital projects and funds, even during difficult times. I wanted to share with you, I got an email from a constituent about this issue and I did hear from a few folks that were not in favor of raising the gas tax, but this constituent raised a very interesting point. What she said was:

"As an early childhood educator/administrator, I work with and on behalf of low income families who are valiantly attempting to support their families. Since many of these families drive second hand cars, as do my employees I might add, I often have said publicly that the face of our work places would change on a dime if people have safe, good cars to drive each day to the workplace. No more late arrivals, time off for car repairs or weeks of reliance on someone else bringing you to work because of a bad car. How does this pertain to Maine roads? Well the most confusing thing for me is that these poorly maintained roads are not only unsafe, but they take a terrible toll on folks' vehicles, and if you aren't already driving a shaky vehicle, well you have a double problem don't you? And if you are already driving a shaky vehicle, then you have a double problem don't you? It costs a fortune to replace tires, let alone cars. Where is the citizen outcry? That question could be the basis of a statewide campaign for good roads. What toll have these roads taken on your vehicle today?"

Spurred by that, I reached into my own glove compartment to see what the existing tax was that I'm paying, and I found my left front tie rod tax, my front sway bar link tax and my alignment tax right there in my glove compartment. So I would say that Representative Carey's proposal is a reasonable one and that we should support his motion. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to this amendment, and I oppose this from the standpoint of the people. Seven years ago, the Legislature

wished to put a 4¢ on gasoline to pay for bridges and roads. I believe a former Chief Executive talked them down to 3¢. And we were told that that was going to take care of our bridges and roads for 15 years, yet the very next biennium the gas tax was raised another 2¢, plus 1¢ every year, as of July 1st, ad infinitum, and that was going to take care of our bridges and roads. Now we've got to go back to the people and say, well, we need another 3¢. We've got another way to fund this in another amendment. Trust me, the people are not going to be happy with adding more taxes to their gas, which is going up already, it's almost up to \$3 again, and we've got a method of doing this without turning any roads into dirt. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stood here before you the other day when you had the new tax changes and you're turning around and dumping something on the poor people that they couldn't handle any longer, widening the sales tax. I stand before you today and tell you I cannot support any gas tax. I think the people of Maine are drained like everybody else in this country, and I think it's no time to be putting more taxes on them. We also got in November; it's going to be on the ballot, TABOR II, which we thought we took care of in LD 1. Also, excise tax. They want to cut that in half. Do you know what that's going to do to the towns? They depend on that money for plowing and doing their roads, and the debt comes about and they dump it back onto the real estate tax and we have another problem. So I don't think that by raising the gas tax, whether it's 11¢, 5.5¢, 3.5¢, when a few weeks ago I filled up before I went home on a Friday even and it was \$1.97, now it's \$2.65, so how much more can we dump on the people of Maine. Thank you.

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

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Representative from Lewiston's amendment. *Unsafe at Any Speed*, regardless of what you think of the author of that book, in 1965 it was very clear that there were defects in vehicles that manufacturers knew about and willfully did nothing to correct. Unfortunately, "unsafe at any speed" is an expression all too applicable to the roadways in this state. This is not a matter of planned obsolescence, however. We know the problem all too well. It's a matter of us having the will to do something about it. Without the necessary funding, roadways throughout the state will not receive the treatment, the resurfacing that they so desperately need.

I do understand fully the concern about saddling folks with additional costs. But as the Representative from New Gloucester, Representative Van Wie, was alluding to, please consider the cost of trying to keep a vehicle, an older vehicle in running condition as it is jolted and beaten up on defective roads. Shocks, tie rods, ball joints, towing costs, washboard roadways are an accelerant to metal fatigue. Hopefully, Ladies and Gentlemen, the title of a little noted book in 1983 will not also be applicable to our situation: *America in Ruins*. Back then, the author spoke of the decay of our infrastructure. Again, it was little noted until a portion of a bridge fell into the Mississippi in Minnesota. Hopefully, Madam Speaker, decommissioning will not mean more to us than the mothballing of old war ships. If the state begins to withdraw its responsibility for roads, they will turn to gravel, a condition that some are well underway toward already. I ask that the members of this chamber please see this matter as a situation involving public safety and security of

commercial transportation. Please support the amendment. Thank you very much, Ladies and Gentlemen. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd just like to clarify a point regarding the so-called TransCap Fund. If we get into that fund, what we do is we dip into long range projects. The TransCap Fund was designed to provide funds for projects that have a useful life of over 10 years. If we strip that of any money, we are abandoning about \$160 million in bridge projects throughout the state over the next four years. We have about 4,000 miles of roads that have not been rebuilt to standards. The TransCap Fund is going to be used to do that. We're planning about 40 miles of rebuilt roads for the next biennium out of the TransCap Fund. If we take that money and use it for a short-term fix, what's going to happen to the long-term projects that so desperately are needed to be addressed in this state? We started 1790 with a goal in mind; if we strip it now, we are injuring the state for many, many years in the future for a quick, easy way out. We have to do what is right. It's a rough decision, it's a tough way to go, but if you really want to do what's right for the people of Maine and the people in the future, you're going to go and maintain the TransCap Fund and support the amendment that's on the board right now. It's a simple matter of pay me now or pay me later.

The people are talking; I heard the question that the price indexing of the gas indexing isn't keeping up. You're right; it doesn't keep up because construction inflations have gone up over 60 percent in the last four years. The CPI hasn't gone up that far. We're paying over \$1,000 to hunt for petroleum products last year, now it's down to around \$400. It's still way above of what we're used to. So if we strip the fund of the TransCap Fund, we are abandoning the future of Maine and I don't think that's what we want to do for our children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand before you here today and I know this is not a popular thing, and it certainly will not be popular in my district because fuel averages probably 15¢ to 20¢ a gallon higher than what is here in Augusta, but I am a member of the Transportation Committee and I know the situation that we're in. We're in dire straights. We took \$4.5 million out of salaries and transferred that for our budget shortfall, we took \$5 million out of the URIP plan and transferred that also, and other projects. But I'm looking here today and I was reading the legislative brief that we received and it says here raise the gas tax. To cope, at least 12 states will consider raising the gas tax in 2009. It was difficult to raise this issue when gasoline prices hovered at \$4. Research shows that the average state would need to raise the gas tax by 20¢ per gallon to make up purchasing power lost during the last 15 years. However, most proposed state increases will not exceed 5¢. So, given that information, I have to support the proposed amendment by Representative Carey. Thank you, Ladies and Gentlemen.

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. My good friend from Old Orchard mentions 8,300 miles of state roads. Do you know that the towns, local government, plow more than 4,000 of those 8,300 miles that the state likes to take credit for maintaining? Do you know that local government has 12,000

miles of year round roads that they have to maintain? And this budget, and I applaud my friend from Lewiston for taking the \$5 million that was going to be cut to local government out, and we can restore it in another way. But we were going to cut \$5 million from local government in the original budget and they've got 12,000 miles of year round roads to maintain, another 2,000 miles of seasonal roads to maintain, and they plow 4,000 of state roads. And it was just a few years ago that the state went and turned back a bunch of roads to the towns to maintain, and they said we will give you this revenue stream, it will be a percentage of the Highway Budget, and we've got a state/local road program that doesn't work very well, and we've talked about it in committee. We have one set of rules for one size town, another set of rules for another size town, and we promised that local government, a percentage of the Highway Budget, and then we were going to renege on the promise. We weren't going to say a word, we were just going to do it, so I'm glad that it has been restored. It has to be restored.

Let me talk about something else. My friend from Rockland talks about long-term projects and how we can't raid the TransCap Fund. We're going to send \$75 million in this budget to the TransCap Fund; \$40 million will support \$210 million worth of bonds; \$160 million worth of bonds to replace our bridges and \$50 million for reconstruction of some of our roads. Now if we send the full \$75 million, we've got more than enough revenue stream for another \$100 million in borrowing. In the last few budgets, we've got \$150 million in GARVEE bonds. We had \$130 million in stimulus money, plus the regular bonds, and the last time I added those up, they averaged almost \$100 million a year for the last 10 years. We're talking about more highway bonds in the budget. We've done plenty for long-term capital needs. We just need to spend our money a little more wisely. Let's fix the roof on that building before we put an addition on it. Let's not ask the people of the State of Maine to pay more in taxes. Madam Speaker, when the vote is taken, could you do it by roll call please.

Representative THOMAS of Ripley **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-565) to Committee Amendment "A" (H-539)**.

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 Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Lewiston, Representative Carey is correct, and I support what he says. If we do not increase the gas tax, how will we pay for the roads? The gas tax goes to our repairing the roads. I'm not willing to tell my constituents I did not protect your roads. I've been told we have more roads in Maine than New Hampshire, Vermont and western Mass., in total. We have to pay for these. We are talking about a cup of coffee a month. If we get 20 miles per gallon and go 1,000 miles per month, we're talking 50 gallons, and that's a cup of coffee a month. I'm willing to vote for this and I'm willing to tell my constituents that I voted for it, and I'll be proud to because we will have protected their roads and probably saved some of their lives. Thank you very much, Madam Speaker and Ladies and Gentlemen of the House.

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

Representative **CEBRA**: Thank you, Madam Speaker. Good afternoon. I stand this afternoon in opposition to this amendment, and I'm going to make it very simple and brief. I, too, serve on the Transportation Committee and we have struggled and struggled and discussed long-term, hopefully long-

term, solutions to our transportation funding needs. And to make a very short analogy, this is a patch on a leaking tire, and I don't believe it solves the problem. I think this just postpones the inevitable and I will not be supporting it. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-565) to Committee Amendment "A" (H-539). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 217

YEA - Adams, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Butterfield, Cain, Carey, Clark H, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, MacDonald, Magnan, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pieh, Piotti, Pratt, Priest, Rankin, Russell, Sanborn, Schatz, Shaw, Siros, Smith, Stevens, Stuckey, Sutherland, Theriault, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Bryant, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Martin JR, Martin JL, McFadden, McKane, McLeod, Millett, Nass, Nutting, Peterson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Treat, Weaver.

ABSENT - Beaudette, Blanchard, Hanley, Lewin, Lovejoy, Saviello.

Yes, 81; No, 64; Absent, 6; Excused, 0.

81 having voted in the affirmative and 64 voted in the negative, with 6 being absent, and accordingly **House Amendment "B" (H-565) to Committee Amendment "A" (H-539)** was **ADOPTED**.

Representative BROWNE of Vassalboro **PRESENTED House Amendment "C" (H-566) to Committee Amendment "A" (H-539)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. As everyone knows and as you've all heard, the Transportation Budget is funded by over 70 percent from the gas tax revenue. The revenues are way down. We're having a lot of trouble funding the needs of the Highway Department. We all agree there is a problem. It's also known that the fuel consumption was down; consequently the revenues are down, presenting this problem that we face. Funding, municipalities receive state funding for their roads. Maintenance, it comes from DOT in the form of the URIP funding. URIP of course stands for Urban Rural Initiative Program. Large communities, I think I disagree with the Representative from Lewiston, Representative Carey, but I think they need to be over 7,500. They are called urban compacts. They receive amounts in the neighborhood of \$4,200 per lane mile. Rural communities, on the other hand, received only \$600 per lane mile. The discrepancy is balanced with the fact that smaller towns plow the winter roads, but the state is responsible for the summer roads, including the maintenance paving, or a lot of us know it as skinny mix. The urban compact communities receive a much larger amount, but they are responsible for the winter and summer maintenance, including MST or the skinny

mix. Gas fund revenues are down. The Fuel Tax Fund is about 71 or a little over 70 percent of the Highway Fund. Revenue for capital projects are much less than budgeted, 10 to 12 miles. In attempts to balance the Highway Budget, the skinny mix with the MST account is virtually nonexistent. Also, to balance the budget, \$5 million as you've heard, is deducted from the municipal URIP fund for the second year, not for this first year but for the second year with the biennium. The 123rd Legislature established a TransCap fund which is new, we haven't used it. This comes from 7.5 percent of the gas tax revenues. This was designed for capital construction, it's very definitely needed. The trouble is if you let your roads go, if you don't put this maintenance mix on, right now, the cost goes from roughly \$42,000 a mile for maintenance paving to between \$1 and \$2 million a mile. So again, this is where we on the Transportation Committee, we've had a tough time making these decisions. These funds, this TransCap Fund start accumulating July 1st of this year. This amendment diverts these funds as they accumulate for use in maintenance paving. We need to do in the vicinity of 600 miles a year to preserve our 8,000 plus miles of roads. The cost, as I said, is around \$40,000, \$42,000 per lane mile as opposed to the much larger amount from the reconstruction. Also included in this amount, it resurrects our restoring the \$5 million to the URIP funds. Now this goes to all communities, large and small. This URIP money is how the different communities fund their road system. It's derived by roughly 10 percent of the Highway Fund revenue. So this has been decreasing, the towns in your districts probably have already got some complaints that URIP money is decreasing, and the budget goes through, it would decrease by another 10 percent of this \$5 million. It would be a disaster if we leave this summer without a highway budget. We really need to have a highway budget. We really need to have a highway budget. It also will be imprudent to have no money for maintenance paving. We need that, it's essential. With the passage of LD 1088, more tax increase would be hardship for all of citizens. We need good roads for our Maine brand, we need good roads for our Maine industry, we need good roads for our tourism. I would urge all of you, where you are Republican or Democrat, urban or rural, or north or the south part of the state to support this amendment, and then pass LD 333. Thank you.

Representative MAZUREK of Rockland moved that **House Amendment "C" (H-566) to Committee Amendment "A" (H-539) be INDEFINITELY POSTPONED.**

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. I rise in support of Representative Browne's amendment, it's a good amendment, and I'm glad that his amendment restores the URIP funding, because we need to keep our word to the towns in Maine. When we tell them that we're going to do something, we need to do it. This amendment would still leave \$40 million going into the TransCap Fund, which is more than enough to pay the payments on \$210 million worth of bonds. I'd like to ask the members of this House to think about something for a second: How many of these revenue bonds are we going to create? We talked about creating a \$200 million revenue bond for the energy bill. We've got a revenue bond to fix the buildings, capital construction, I can't remember the name of it right off hand. But every time we turn around, we've got another revenue bond so that we're borrowing hundreds of millions of dollars that the voters never get to approve, and our Constitution clearly says that if we're going to borrow more than \$2 million, we should ask for a two-thirds vote of this body and public approval and voters

to approve it. Yet, every session it seems like, we come up with a new revenue bond so that we can get around that requirement to ask for votes. And when has a highway bond ever failed? Why don't we be honest about it and go to the people, tell them what we're doing, comply with the Constitution. Anyways, I rise in support of this and I hope that you will too. Madam Speaker, I request a roll call.

Representative THOMAS of Ripley **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-566) to Committee Amendment "A" (H-539).**

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 Lewiston, Representative Carey.

Representative CAREY: Thank you, Madam Speaker. It has been said before on the previous motion and it's been said amply this time that nobody likes taxes. I entirely agree. There was an argument that was put forth on this bill about another matter that said that something that purported to be a tax cut was in fact just a tax shift, and that was a real problem. This is exactly that issue, and let me be very clear here. A tax shift, we're taking money that applies to some people and we're moving it to where it applies to fewer people, and I want to be real clear about this. The money for the maintenance paving program only goes to rural municipalities, rural towns under 6,000 people. Towns over 6,000 are paying for that maintenance paving through their property taxes. Now it's been said before by the good Representative from Vassalboro that that difference is accounted for in the ways in which URIP money is paid, that there's a certain amount that's paid to rural municipalities and a certain amount that's paid to urban municipalities for maintenance. And he was right. That was mostly because there's a different expectation for snow plowing. There are other roads and these are the roads, these are the main roads. These are 202 when we come to Augusta coming from Lewiston; these are Route 11 when we go up to Fort Kent; these are main, large roads. Generally, they have a number attached to them. When those roads go through our urban centers—and by urban centers here, we're talking about 6,000 people, we're talking about towns like Belfast and Winthrop and Rumford—when they go through those urban areas, all of the maintenance, not just the snow plowing which was referred to before, but all of the maintenance—coverts, potholes, paving, snow plowing, ditching, so on and so forth—all of the maintenance is paid by the local property taxpayer. The money that is being raided here from the TransCap Fund, that money is available to all main roads, all state roads, as the Representative from Ripley pointed out. So we're taking money that's available for all communities and putting it in a fund that only applies to about half of the state roads. That's a tax shift. Nobody wants more taxes. Those of us in this chamber who represent communities over 6,000 people, those people already have had a tax increase in their property taxes. And if there wasn't, there was a service cut. We're already paying for it. This is a tax shift, it's not right, it's not fair. Madam Speaker, I hope that everybody supports the pending motion to Indefinitely Postpone this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hesitate to rise on this issue because of the business that I'm in, but I see it's necessary because there are some incorrect information being given that is kind of guiding our direction on how to vote. Just a little background, I've been involved with transportation

issues for over 20 years. I probably have been on at least some of your roads in every town that is represented here in the chamber, and in some cases, I've been on pretty near all of your roads, from the gravel roads in Representative Joy's territory of unorganized territories to the main streets and the main arteries that lead through the major cities. My role has been to assist municipal highway and municipal public works people in making road related decisions. One of the decisions that is tough to make is how can we do more with less. Your public works facility is being asked to do what the Department of Transportation is being asked to do and what everybody in any type of business is being asked to do. We've got to do more with less, we need to become more efficient at what we're doing, and we need to become better at it. But let me just clarify a couple of facts from numbers we've heard batted around just for a minute or two here.

The URIP program, which is the Urban Rural Initiative Program, that's instituted by the Department of Transportation, where this \$5 million has been withdrawn from or transferred from. The purpose of that program is to assist municipalities in their maintenance operation of their roads. The urban areas that have 7,200 people as population, not 6,000, if your population is 7,200 or over that, then you qualify for a compact zone. A compact zone, you drive into your municipality on a state road or the main artery leading into there, you'll see a little sign; I think it's black and white, that says you are now passing the compact zone. It will be white on the top and black on the bottom. That's where your compact zone begins, and then when you exit town on the other end of that road, that's where it ends. You, as a city or a town, are responsible for winter maintenance and summer maintenance, to a degree, on that section of that road. You were paid from the URIP fund \$4,200 per lane mile. That's one lane, not two lanes. If you've got a two lane road, if you got a one lane road running through town, you've got a problem. If you've got a two lane road, you'll get 8,400. If you've got a three lane road where there's two lanes and a turn lane in the center, you're paid \$4,200 per lane mile for those miles of road that fit in between those compact identification signs. Coupled with that, you are paid \$2,500 per lane mile for every state aid road that falls in your compact zone. Your level of responsibility is to provide winter maintenance and to provide summer maintenance to the point where, when it reaches that point when that roads needs to be rehabilitated or reconstructed, then that's when the Department of Transportation steps in and covers that cost. So it's not exactly accurate that the taxpayers pick up all of the costs in the compact zones.

In comparison, the non-compact municipalities are paid \$600 per lane mile or \$1,200 per two lane road mile. For that, we are responsible to maintain the minor collective state aid roads for winter maintenance, the Department of Transportation is responsible for maintaining those roads in the summer, and we're responsible for maintaining all town ways or county ways year round, winter and summer. So there is a differential in that formula. The differential is therefore a purpose, and a purpose is for you as a larger municipality, receiving a larger portion of that money are picked carrying a larger portion of the maintenance responsibility. So I just wanted to lay that out and clear that ear for you first off.

Secondly, there are, whether it's a municipality or the Department of Transportation, there are three basic levels or repair strategies that are looked at. The first one is to maintain the roads we have, we call them routine or preventive maintenance. The second strategy that you fall into is what we call rehabilitation, where a road has gone beyond; the condition has gone beyond the acceptance of what we refer to as a skinny mix or the maintenance mulch, where something more is going to

have to be done for that road to bring that road up to a safe passable roadway. Once a road falls beyond that, it goes to a reconstruction stage. Let me give you just a comparison of what these dollars represent. Basically to maintain under the skinny mix program, or the maintenance mulch program, whichever term you want to use, some of us look at it as a painting the road black or black duct tape. It's been criticized, but what it does, it gives you five to seven years of reasonably smooth, reasonably safe roadway to travel on. That's the maintenance program that is at risk in this particular budget, and that will cost you \$40,000 a mile. The rehabilitation program, where you go beyond that, where it takes more work to do what you need to do to bring that road back up to its proper level of service, will cost you anywhere from a million to a million five per mile. If we let this road continually deteriorate to the point where we have to go in and reconstruct that road, or maybe even construct it from the beginning, then our costs are going to run somewhere between a million eight to as high as two million five. So there's a big cost when we neglect to do our maintenance program. We continually tell the municipalities and we continually work with the Department of Transportation, do not neglect your routine and your preventive maintenance at the cost of rebuilding your roads. When a road deteriorates to the point where it needs to be rebuilt, it's not going to cost you anymore dollars, other than inflated dollars, to rebuild that road two years from now then it is now. It's down on the bottom of the scale. Where we get the best return on the tax dollar invested is in maintenance, routine maintenance and preventive maintenance. When we neglect that, we leave the roof of our road open for water. Eighty-five percent of all your road related problems can be tracked back to poor drainage. Water is a road's worst enemy. When we allow water to enter into the base of our road, we go through the freeze/thaw cycles, our roads explode from underneath, potholes develop, cracks get wider, pavement deteriorates. That's a result of failing to be adamant at our routine and preventive maintenance program. That is what is at risk in this bill that we're being asked to pass.

There are two issues that we're faced with from my perspective. One is immediate and one is long-term. I think we need to step back away from the issue just long enough so that we can deal with the immediate issue. This immediate issue, we've got to deal with within the next 24 to 48 hours. The long-term issue is taking a serious 30,000 foot view of the mission of the Department of Transportation, the obligation that they have to perform, how they do this, what they do it with for manpower, can they outsourced this, there's all kinds of avenues that need to be explored. We do this in municipal levels. Part of my job is to go into a municipality and sit down with the board of selectmen or the council and the road people and say let's look at your road system. How are you doing it now because municipalities face the same budget shortfalls that we do, what you're doing now, how can we do this better, how can we do this more efficient? One of the examples that the Department of Transportation has got into that has somewhat been criticized because of the lack of understanding was to change their winter maintenance program from a sand/salt operation to what we call a salt priority. That operation has saved the Department of Transportation significant dollars, let alone increasing the level of service for you and I to drive on in the winter time. Now it has its down sides: people don't like salt, their automobiles are going to fall apart they think, and all kinds of negative. But when you look at the efficiency of the Department of Transportation in their effort to do a better job with less people and spend less money, that's a success program. We have seen that program and we have promoted

that program in municipalities, and we have seen the same results. For example, in the average municipality, a mile of road on the old sand mode would cost you about \$340 a mile per storm to maintain. If I went to a salt priority program on that same mile of road, I can maintain that mile of road for \$72, increase the level of service, plow the road, get you back to black as quick as we can, and provide you with a safe road to travel on. Those are the types of avenues that we need to explore beyond the salt priority program. So we need to look long-term. The issue at hand is an amendment to transfer or to make a change in the way that we're operating of the next current year. It's late in the time. Our best efforts must be to take action on the necessary issue at hand. How are we going to patch the roof that's leaking on these roads, what have we got to do to prevent that water from entering the base of that road, and we need to seal it up. If your roof was leaking in your house, you wouldn't put in a new foundation. You'd get up there and probably re-shingle the roof. So if you can get it into your mind that what we're doing is getting the best return on the dollar spent, for every dollar that we spend for taxpayers money, can we go back to the taxpayer and say I gave you the best return on this that I possibly could and here's why. Yes, we're going to have rough roads in Maine, roads deteriorate over time for two reasons: One, the climate that we live in, the weather that we experience here, and secondly, the weight of the vehicles that we're asking our roads to carry. So our roads are going to deteriorate whether we spend \$2 million a mile or \$40,000 a mile, they are going to deteriorate, and we need to adjust our maintenance program to maintain that deterioration to a level that we can get our hands around.

So my suggestion is I'm definitely opposed to the Indefinite Postponement of this amendment and look at this amendment from the perspective of what can I do right now to fix a problem that we face immediately. And then my suggestion is to take a serious look at what we're doing from the Department of Transportation perspective on the road system that we all travel on and that we all must pay for. We could live in a house without remodeling it or upgrading it, but we will not live in that house very long if we continue to let the roof leak. The house will crumble from within down upon on us. Our road system, the pavement on the road is what you ride on. But from a road standpoint, from understanding how important that pavement is that pavement is in fact the roof of your road. When that roof begins to leak, your roof, your road falls off that deterioration curve very rapidly. So I would strongly urge you to support the amendment that's on the board now and vote against the Indefinite Postponement, and let's take a serious look at solving the immediate problem that faces us right now. And then let's take a more serious look at the overall picture and find some mechanism, define the mission of the Department of Transportation, and then find a fundable resource that can fund that mechanism. Let's identify our mission and then fund our mission. Thank you, Ladies and Gentlemen, and thank you, Madam Speaker.

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

Representative **THIBODEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The first thing I'd like to address is the suggestion that somehow this is a tax shift. I think we all need to remember that, collectively as a body, we are responsible for the infrastructure in the State of Maine so this simply is not a tax shift. The TransCap program is a new program that was enacted in the last Legislature. If we had not moved forward with that legislation, we wouldn't be having that discussion right now. I'm not suggesting that it wasn't

an admirable goal, but the fact of the matter is that's where that legislation came from. Representative Browne's amendment is a measured approach. Within existing resources, we'll maintain the infrastructure that we have. You know, a lot of us have tried to build an analogy or figure out an analogy so that we all can understand what this will do and, to me, if we had a giant storm here in Augusta and the roof blew off the State House, all of the sudden the water would be running. Would we go and repair the roof down in the Senate Chamber and then not bother to do it here in the House Chamber? That seems we've got only just so much resources. We'd completely remodel the Senate Chamber and leave the roof off down here? I think not. That's not a reasonable approach. We are collectively responsible for the maintenance of the State House. We'd fix the roof on the entire State House, much to the chagrin of those in the other chamber maybe. I think that's a reasonable approach. I urge you to support Representative Browne's amendment. Thank you

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-566) to Committee Amendment "A" (H-539). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 218

YEA - Adams, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Mangan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, 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, Blanchard, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Hill, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Beaudette, Hanley, Lewin, Saviello.

Yes, 87; No, 60; Absent, 4; Excused, 0.

87 having voted in the affirmative and 60 voted in the negative, with 4 being absent, and accordingly **House Amendment "C" (H-566) to Committee Amendment "A" (H-539) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (H-539) as Amended by House Amendment "B" (H-565) thereto was ADOPTED.

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

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-539) as Amended by House Amendment "B" (H-565) thereto.**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-539) as Amended by

House Amendment "B" (H-565) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 219

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Clark H, Cohen, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pih, Piotti, Pratt, 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, Beaulieu, Bickford, Browne W, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Peterson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Beaudette, Connor, Hanley, Lewin, Martin JR, Saviello.

Yes, 86; No, 59; Absent, 6; Excused, 0.

86 having voted in the affirmative and 59 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-539) as Amended by House Amendment "B" (H-565)** thereto and sent for concurrence.

ENACTORS

Emergency Measure

An Act Making Supplemental 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. 1048) (L.D. 1489)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 22 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Expression of Legislative Sentiment recognizing Caterina MacLean, a senior at Scarborough High School

(HLS 493)

Which was **TABLED** by Representative PENDLETON of Scarborough pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative **PENDLETON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Many times this body has honored a person for their athletic accomplishments, but today we are afforded the opportunity to

honor a remarkable and hard earned achievement in academic excellence. Caterina MacLean, from Scarborough, has brought home the gold medal for the highest score in the nation on the essay in Division III of the United States Academic Decathlon competition in Memphis, Tennessee. I want to tell you that Caterina's score: 995 points out of 1,000 points. I don't think she misspelled too many words. She also received a \$3,000 scholarship for her hard work and study. Her achievement has brought not only pride to Scarborough but to the whole State of Maine. She plans to go to college and she has a keen interest in political science. Madam Speaker and Ladies and Gentlemen of the House, thank you for joining me in honoring this fine, young Maine woman for her academic achievement.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Flaherty.

Representative **FLAHERTY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to congratulate not only Caterina but the entire Scarborough High School Academic Decathlon Team. Scarborough has won, over the last 24 years, 19 state championships. An academic decathlon is a testament to what public education can do for students when they really put their mind to working hard for something. I was in Scarborough High School not too long ago and I wasn't a member of the Academic Decathlon Team, but I had many good friends who have gone on to achieve great things as a result of being a part of this team.

For those of you who don't know what academic decathlon is or don't have it in your districts, it is a ten event scholastic competition for teams of high school students of nine, and they are honored A, B or C. This year the theme was Latin American. Every year it changes, and every year these students study for hours and hours and hours. If you imagine a sport and those students, year round, practicing two or three hours a day like I did in swimming and many other people did in other sports, it is the exact same thing. These folks prepare, they study and they compete year round. And we have such an incredible program in Scarborough; I want to congratulate Caterina and all of Scarborough High School and continue to wish them best luck in the future.

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

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

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

From the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine"

(S.P. 10) (L.D. 1)

Received by the Secretary of the Senate on May 18, 2009, pursuant to Joint Rule 309.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

The Bill and accompanying papers were **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

From the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

(S.P. 505) (L.D. 1389)

Received by the Secretary of the Senate on May 18, 2009, pursuant to Joint Rule 309.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

The Bill and accompanying papers were **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

(S.P. 516) (L.D. 1432)

Signed:

Senator:

RECTOR of Knox

Representatives:

- McKANE of Newcastle
- KRUGER of Thomaston
- MacDONALD of Boothbay
- PRESCOTT of Topsham
- WEAVER of York
- PERCY of Phippsburg
- EATON of Sullivan
- TILTON of Harrington
- ADAMS of Portland

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

Signed:

Senators:

- DAMON of Hancock
- SULLIVAN of York

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **MARINE RESOURCES**.

READ.

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

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.

An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service

(H.P. 731) (L.D. 1056)

(C. "A" H-270)

TABLED - June 9, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - PASSAGE TO BE ENACTED.

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

Representative ADAMS: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. These comments are to place on record a concern that the diversion of E-9-1-1 funds, required by this bill, to non E-9-1-1 functions, purchases and purposes may place in jeopardy our state's ability to apply for and to receive federal matching E-9-1-1 funds that Maine sorely needs. No state in the United States now collects prepaid wireless card assessments for E-9-1-1 purposes as this bill proposes to do. Fourteen states, in fact, now follow Maine's current law which has worked well for several years and has been the national model. This state rejected exactly this law twice in the last eight years. Each time it has been brought forward, yet again by those national firms such as AT&T, U.S. Cellular and others, which profit by selling these cards and who have proposed to shift the burden of collecting and dispersing the assessment for the use of these cards to mom-and-pop stores and to the state E-9-1-1 fund, while the card providers keep the profits. Against this, we must balance the risk of not protecting Maine's E-9-1-1 funding. Each time our state has raided the state 9-1-1 funds for the purposes of balancing the budget, or any other purpose, we have suffered a federal penalty. All states so situated suffer the same risks. For this and for many other reasons, the National Conference of State Legislatures special subcommittee on this topic, two weekends ago, refused to adopt this very law, now before us today, as model legislation for the rest of the United States. Because of the importance of E-9-1-1 funds to every state, the National Conference of State Legislatures shall study the subject carefully this summer before making recommendations to any state. Thus placing the risk upon this record, and thus remembering the many federal E-9-1-1 penalties Maine has previously suffered, as the longest serving member of the Utilities and Energy Committee, I wanted to explain why I will be voting against this measure today and why caution should be the concern of all of us.

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

An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships

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

(C. "A" H-383)

TABLED - June 2, 2009 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - PASSAGE TO BE ENACTED.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 220

YEA - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Bolduc, Briggs, Browne W, Burns, Butterfield, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Edgcomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Joy, Knapp, Knight, Langley, MacDonald, Magnan, Martin JR, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass,

Nelson, Nutting, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Schatz, Shaw, Sirois, Smith, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Wheeler, Willette, Wright, Madam Speaker.

NAY - Beck, Blodgett, Boland, Bryant, Cain, Carey, Casavant, Connor, Crockett P, Eaton, Eberle, Eves, Flaherty, Flemings, Harlow, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Martin JL, O'Brien, Pratt, Priest, Stevens, Stuckey, Treat, Webster, Welsh.

ABSENT - Beaudette, Hanley, Lewin, Peoples, Saviello.
Yes, 115; No, 31; Absent, 5; Excused, 0.

115 having voted in the affirmative and 31 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"

(H.P. 594) (L.D. 863)

- In House, Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)** thereto on June 1, 2009.

- In Senate, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.
TABLED - June 8, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative PIEH of Bremen, the House voted to **RECEDE**.

The same Representative presented **House Amendment "B" (H-563)** to **Committee Amendment "A" (H-153)**, which was **READ** by the Clerk.

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. This amendment simply creates a working group to take a look at this position, at the Land Owner Relations position, and report back so that it can be examined to see if it's an appropriate ranking. There is no question that the position is appreciated, but how it is funded and how it is hired has been of some controversy. So this, it will be funded for the first year out of other special revenues, and it will be taken a look at over the interim. Thank you.

Subsequently, **House Amendment "B" (H-563)** to **Committee Amendment "A" (H-153)** was **ADOPTED**.

Committee Amendment "A" (H-153) as Amended by **House Amendments "A" (H-447)** and **"B" (H-563)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-153) as Amended by House Amendments "A" (H-447) and "B" (H-563)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Hill, who wishes to address the House on the record.

Representative **HILL**: Thank you, Madam Speaker. If I were present for Roll Call No. 214 on LD 1418, I would have voted yea. Thank you.

The House recessed until 3:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-294)** - Minority (2) **Ought Not to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

(S.P. 516) (L.D. 1432)

Which was **TABLED** by Representative PIOTTI of Unity pending **ACCEPTANCE** of either Report.

On motion of Representative PERCY of Phippsburg, the Bill and all accompanying papers were **COMMITTED** to the Committee on **MARINE RESOURCES** in concurrence.

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

**REPORTS OF COMMITTEE
Ought to Pass Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange" (EMERGENCY)

(S.P. 570) (L.D. 1490)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 568.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Improve Opportunity in the Maine Woods"
(EMERGENCY)

(H.P. 1049) (L.D. 1492)

Sponsored by Representative MARTIN of Eagle Lake.
(GOVERNOR'S BILL)

Cosponsored by Senator JACKSON of Aroostook.

Committee on **LABOR** suggested.

Under suspension of the rules, the Bill was given its **FIRST
READING WITHOUT REFERENCE** to a committee.

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

On motion of Representative MARTIN of Eagle Lake,
TABLED pending **PASSAGE TO BE ENGROSSED** and later
today assigned.

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

Bill "An Act To Improve Opportunity in the Maine Woods"
(EMERGENCY)

(H.P. 1049) (L.D. 1492)

Which was **TABLED** by Representative MARTIN of Eagle
Lake pending **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED**
and sent for concurrence.

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

On motion of Representative CUSHING of Hampden, the
House adjourned at 4:02 p.m., until 9:00 a.m., Thursday, June
11, 2009.