

# 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  
56th Legislative Day  
Thursday, June 11, 2009

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

Prayer by Honorable Henry L. Joy, Crystal.  
National Anthem by Honorable Emily Ann Cain, Orono.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

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

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)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto in the House on June 10, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539) in NON-CONCURRENCE.**

Representative MAZUREK of Rockland moved that the House **RECEDE AND CONCUR.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

Representative **THOMAS:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill comes back to us with no maintenance paving and \$5 million taken from the towns still. Thank you.

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

**ROLL CALL NO. 221**

**YEA** - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Crockett P, Dostie, Driscoll, Duchesne, Eaton, Eberle, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, 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, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgcomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

**ABSENT** - Beaudette, Beck, Bolduc, Connor, Cornell du Houx, Cushing, Dill, Eves, Greeley, Hanley, Harvell, Hill, Jones, Kaenrath, Kent, Pratt, Robinson, Rosen.

Yes, 81; No, 52; Absent, 18; Excused, 0.

81 having voted in the affirmative and 52 voted in the negative, with 18 being absent, and accordingly the House voted to **RECEDE AND CONCUR.**

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**COMMUNICATIONS**

The Following Communication: (H.C. 206)

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

June 9, 2009

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

Dear Clerk MacFarland:

Pursuant to my authority under Title 30-A, §4350, I am pleased to appoint the following Representatives to the Community Preservation Advisory Committee:

Representative Robert S. Duchesne of Hudson (House Chair)

Representative Ann E. Peoples of Westbrook

Representative Elspeth Flemings of Bar Harbor

Representative Jane S. Knapp of Gorham

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

Sincerely,

S/Hannah M. Pingree

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 405)

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

June 10, 2009

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

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on State and Local Government on "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature" (H.P. 1000) (L.D. 1424).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 406)

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

June 10, 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 nominations:

Upon the recommendation of the Committee on Judiciary, the nomination of Diana C. Scully of Hallowell for appointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of William A. Osborne of Bangor for appointment to the Maine Indian Tribal-State Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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Doctor of the day, Elisabeth Fowlie-Mock, MD, MPH, FAAFP, Holden.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Earl Anderson, of Florida, a proud 90-year-old United States Navy veteran of World War II, who served on the submarine the *USS Sailfish*, which was built in Maine and first named the *USS Squalus*. Mr. Anderson, who was a prisoner of war of the Japanese for 42 months, is in Maine to visit his nephew, Earl Jackson, of Cape Neddick, and to visit the *USS Squalus* Memorial at the Portsmouth Naval Shipyard in Kittery. The *USS Squalus* was first commissioned on March 1, 1939 and sank off the Isle of Shoals during sea trials with a loss of 26 lives. She was raised on September 13, 1939 and brought to Kittery to be returned to the fleet. The ship was renamed the *USS Sailfish* and recommissioned in 1940. Mr. Anderson served with distinction on this ship, which sank as many as 20 Japanese ships throughout the Pacific Ocean, contributing with honor to the victory of the war. Part of the superstructure of the ship was turned into a war memorial after it was decommissioned and scrapped. We welcome Mr. Anderson to our State as he visits his family and honors the memory of those who gave their lives in service to their Nation. We send him our deep appreciation for his own sacrifices and heroism, and we extend our best wishes to him;

(SLS 212)

On **OBJECTION** of Representative WHEELER of Kittery, was **REMOVED** from the Special Sentiment Calendar.

**READ and PASSED** in concurrence.

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**Recognizing:**

William Welch, of Lewiston, on his retirement as the Lewiston Chief of Police after 33 years of dedicated service to his profession and his community. Chief Welch began his law enforcement career as a patrol officer in Lewiston and served as

the Chief of Police for 11 years. During his tenure, Lewiston's crime rate dropped to one of the lowest in the State. Chief Welch also organized a police response plan for two rallies held by a white supremacist group in 2003 that caught the attention of law enforcement agencies around the nation. We send Chief Welch our appreciation for his many years of commitment to law enforcement and we send him our congratulations and best wishes on his well-deserved retirement;

(HLS 503)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston, Representative SYKES of Harrison, Representative BEAULIEU of Auburn.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Bill Welch has not only served the people of Lewiston with distinction as the city's Chief of Police, he has served the people of the entire State of Maine with distinction. One of Chief Welch's accomplishments during his tenure was to establish and administer the state's computer crime lab, which has been so important in helping to combat child pornography. I thank Chief Welch for all he's done to make our community and the State of Maine a safer and healthier place to live. Thank you.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm very proud today to stand and offer my congratulations to Bill Welch, upon his retirement from a very successful and distinguished law enforcement career.

I first met Bill back in 1986, when I was hired to be the principal at Lewiston High School and Bill was the school police liaison officer assigned to the high school. Now you might recognize a school police liaison officer today as a SRO, the school resource officer. In fact, I would venture to say that it's quite likely that Bill was the originator of the idea of putting a police officer in a school system. His job was to develop a relationship with young people, with the staff, to have good communications and, quite frankly, to help the administration sometimes when they were in desperate need. And with a high school of almost 2,000, there were times when I was in desperate need.

Bill is a positive role model. He is a good leader. He is also a volunteer on his own time. He coached baseball for Lewiston High School and, quite frankly, Bill is an accomplished athlete himself. The SRO, the school police liaison officer, is something you would find I think today in almost every, certainly a majority of schools, not only in Maine but throughout the country.

I would like to thank Bill and offer him my best on his retirement. I consider him a friend. I was also very lucky to have his two children, Scott and Hillary, as students, both good students. I know Hillary is with him today and Scott is unable to be. Scott has served multiple deployments for the military. So Bill congratulations and best wishes in the future.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative **LAJOIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is my

privilege to stand before you today to honor William Welch, Bill, of Lewiston, on his retirement as the Lewiston Chief of Police, after 33 years of dedicated service to his profession and community.

Chief Welch began his career as a patrol officer in Lewiston for over three decades and served as chief for 11 years. As a firefighter in Lewiston for over 30 years and the fire chief for over a decade, it was my honor to serve the City of Lewiston with Chief Welch. Working closely with him for many years, I had the privilege to witness his exemplarily leadership and abilities as the city's top law enforcement officer.

Chief Welch has done remarkable things in his career. Under his leadership, of course the crime rate in Lewiston dropped to one of the lowest in the State of Maine. His ability to organize an extremely effective police and emergency response plan rally, held by a white supremacist's group in 2003, is one of the best examples. When it became apparent that this white supremacist's group was going to hold a large and potentially rally in Lewiston, Chief Welch worked together with other law enforcement agencies, including the Lewiston Fire Department, to create a plan that protected the safety of the Lewiston residents, law enforcement officials and protesters. His ability and leadership drew national attention and his emergency response plan was used throughout the nation as a training model for other law enforcement departments.

Chief Welch has strengthened the Lewiston Police Department throughout his career and the citizens of Lewiston and Maine are very grateful. Because of Chief Welch, and Maine citizens like him who dedicate their lives and careers to public service, we are all better off. Congratulations Chief Welch for 33 incredible years on the Lewiston Police Department and best of luck to him and his family as he begins a new chapter in his life. Thank you, Madam Speaker.

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

Representative **BEAULIEU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stood up and unfortunately didn't recognize, when I certainly understand the brief interlude where I was sitting down and embarrassed by that, because I want to say something about Bill Welch. I taught while Bill Welch was working for the Lewiston School Department and a local law enforcement agent, and I always looked at those periods of time, or those years, as the years where I learned a great deal about students and law enforcement in general through Bill, and I worked for Rick Sykes as well. What I wanted to say was that I draw an evaluation of individuals like Bill Welch on the basis of the kinds of children that he raises, and I had both of his children in school, particularly Scott, who I taught in advance placement for a full year, and then watched him in athletics while he was there. He was an incredible example of what a young student ought to be, a young gentleman ought to be. He was a wonderful example for the rest of the student body and he proved to be, in my class, one of the more outstanding students I'd ever had. I really suggest that part of that, or most of that, was probably a reflection of the example that was set by his father. So I'd like to congratulate Bill Welch as well for his contributions to Lewiston and make sure that I warn him that retirement is not always what it's made out to be, but I'm certainly or at least you think it's going to be, but I hope that he enjoys those years ahead of him. I appreciate your time. Thank you.

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

### Recognizing:

the Maine Children's Alliance and its president and chief executive officer, Elinor Goldberg, of Hope, on the alliance's 15th anniversary. The alliance advocates for sound public policies to improve the lives of all Maine's children, youth and families by collecting and analyzing data linking research to practice and public policy and bringing diverse groups together in coalitions to advocate for better state and national policy to benefit Maine's children. Ms. Goldberg was recognized nationally in 2008 by her colleagues as a premier advocate for children in the United States. We extend our congratulations to the members of the Maine Children's Alliance and Ms. Goldberg on the 15th anniversary of the alliance's helping the children of Maine;

(HLS 505)

Presented by Representative O'BRIEN of Lincolnville.

Cosponsored by Senator RECTOR of Knox, Representative BERRY of Bowdoinham, President MITCHELL of Kennebec, Representative BROWNE of Vassalboro, Representative BLODGETT of Augusta, Representative CROCKETT of Augusta.

On **OBJECTION** of Representative O'BRIEN of Lincolnville, was **REMOVED** from the Special Sentiment Calendar.

### READ.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative O'Brien.

Representative **O'BRIEN**: Thank you, Madam Speaker. I'm really proud to be recognizing the Maine Children's Alliance and all that they have accomplished. Eli Goldberg has been a tireless advocate for children in Maine and around the country, and I'm proud to have her as a constituent. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's my great honor to speak on behalf of this entire body as an educator for more than 20 years myself, as a member of the Children's Growth Council with Eli Goldberg, and as a parent of two young children who are five and seven, to congratulate an organization and in particular an individual, their leader, who I've had the pleasure of seeing not only everywhere here in Maine advocating for young children, but also in other parts of the country. She turns up in the most astounding places as a tireless advocate and a reminder that child poverty is a threat to all of us in the world and that Maine child poverty is a threat to all of us here in Maine, as a tireless advocate, to remind us that public investment in young children can have a return of \$17 in avoided tax costs for every dollar that we invest and that those public investments to empower parents and to empower our children are sadly still largely inversely related to the extent of brain development that happens as a child progresses from the very earliest ages to later in life.

Eli Goldberg and the Maine Children's Alliance remind us every day that, on the one hand, Toni Morrison was absolutely right when she said everywhere, everywhere children as the scorned people of the earth. She's the voice of our conscience in that respect, and she is at the same time in the Maine Children's Alliance at the same time as a reminder that children are our greatest hope, our greatest promise, our greatest treasure. It's truly an honor to know and to work with Eli and with the Maine Children's Alliance. Eli, you and the Maine Children's Alliance give us hope every day, you are our conscience, you are a reminder that the better angels of our nature are here among us, in the young children present in this chamber today, in the rural trailers and the urban apartments of Maine, and in future years in the workplaces and homes and positions of leadership

throughout our great state, our great state, shaping our collective destiny. Thank you, Eli. Thank you, Maine Children's Alliance.

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I, too, would like to just briefly rise to say happy 15th anniversary to the Maine Children's Alliance and to Eli Goldberg. I've had the opportunity and pleasure to actually know Eli for some number of years, but certainly the last few years, I've had the opportunity to get to know Eli a little bit better. It's been a true pleasure in Eli's amazing enthusiasm and dedication to Maine's children and doing the best thing possible for our kids and making sure that we here in the Legislature are as educated as possible with some fabulous numbers and facts and keeping track and keeping Maine's children in the top of all our minds. So for that, I say thank you to the Maine Children's Alliance and thank you Eli and it's been a great pleasure to get to know you a little bit better. Eli also has another fabulous bond that we share in that she actually worked a little bit with my mom, who worked for the Department of Health and Human Services for 50 years as a child custody case worker, doing many different things and Eli shares little tidbits about my mom, which I've really enjoyed Eli, it's been very, very special. So congratulations and happy anniversary.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I have worked along side and with Eli Goldberg for probably 20 years in my day job, and she, as many of you know, is a phenomenal advocate, incredibly persistent, articulate, savvy, passionate and totally in tune with the policy process, and has spent these many years making us look good in our advocacy for children. We want to wish her all the best in her new phase and thank you for the past 15 years; we look forward to the next. Thank you, Madam Speaker.

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 do want to congratulate Eli and I want to thank Eli for allowing me to be able to call her a friend. She has been a dear friend and I think the world of her and I want to congratulate her. Thank you.

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

**Recognizing:**

Mathew Drisko, of Columbia Falls, for his heroic efforts in rescuing his grandfather, Lester Drisko. Mathew, who is 8 years old, took command of his grandfather's boat after his grandfather was pulled overboard while tending his lobster traps. With his grandfather unable to reboard the boat, Mathew secured a lifejacket around him and for 30 minutes kept the boat in close proximity to him. Mathew signaled a passing boat for help and the operator, Leland Faulkingham, Jr., lifted Mr. Drisko out of the cold water. We commend Mathew for his brave actions, which saved the life of his grandfather;

(HLS 511)

Presented by Representative TILTON of Harrington. Cosponsored by Senator RAYE of Washington.

On **OBJECTION** of Representative TILTON of Harrington, was **REMOVED** from the Special Sentiment Calendar. **READ.**

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

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 Morgan Mitchell, of Boothbay, who has been chosen as one of the 2009 WCSH Channel 6 Teens Who Care

(HLS 496)

**TABLED** - June 10, 2009 (Till Later Today) by Representative MacDONALD of Boothbay.

**PENDING - PASSAGE.**

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm proud to recognize today Morgan Mitchell from Southport, a young person from our region who has just graduated from the Boothbay Region High School as salutatorian of her class, in addition to all the other accomplishment that you heard about. She is a Channel 6 Teens Who Care. She was also an Opera House volunteer, student body president, Health Advisory Board member, helper with Special Olympians, a soccer player, a mentor to younger students in the elementary school, a performer in school dramas, Domestic Abuse Prevention Council member, Safe Passage worker, and here I remind you that this is the program that has Maine volunteers going to Guatemala to help with children who live on the dump in Guatemala City. She has been a volunteer in that program. Her devotion to her community and to the State of Maine, and really to the world, is exemplarily, and I commend you to her and want to add our voice to the many voices that have already praised her work. I would add just one final note, as someone who knows here only slightly and through the community, the work that she has done, the sense that comes through from her is of one of the nicest people you'd ever want to meet. She is going to Goucher College in the fall. We can only hope that like many Mainer young people who leave the state for their education, that she will be returning and using her leadership abilities for the future of the State of Maine. Thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of the wonderful things about this job is what you are actually able to add your voice in congratulating someone that you have known from the day she was born. Morgan Mitchell is one of my extended family and she is one of the most gracious, lovely, compassionate, kind, young women you will ever meet. And I think, after hearing the list of accomplishments from Representative MacDonald, you would agree with me that she definitely has the resume to run for Governor eventually, which I hope she will do. I would like to add to that resume that she is one of the class of Girls State from 2008, and Morgan, we wish you all the best from here, honey. You will do a great job in making the world a better place.

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

On motion of Representative BRIGGS of Mexico , the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Reverend Angelo Bertrand LeVasseur, of Portland

(HLS 521)

Was **PASSED**.

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

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In memoriam to Father Angelo LeVasseur, with about a month's notice and stunned the community and state, at the age of 56, died on May 31st of cancer. Father Angelo, as we called him, was a wonderful man with a great sense of humor. He was always upbeat, cheerful and positive. His Sunday sermons were never dull. You never knew what was going to come out of his mouth. Sometimes I liked it, sometimes I didn't. But, evidently, it was just what I needed to hear.

Shortly before his death, my 10-year-old granddaughter was one of the last children that he baptized, made her first communion and confirmation all in the same evening at the vigil mass on Easter Sunday. This was a very special evening for our family, especially for my granddaughter, Grace and Father Angelo.

I recently heard it said that Father Angelo commented, "Well, my work here is done. We've just completed the renovations for the church steeple and finally got the elevator installed into the church. My mission here is complete."

As I am executive secretary at the Mexico Town Office, in the town where Father Angelo lived, I remember last year as I waited on him when he came into the town office to register his new vehicle, his Jaguar for the very first time...he was like a kid in the candy store. He said he had always wanted a Jaguar, that he had finally gotten his "toy." My first thought was "A priest in a Jaguar!" I chuckled to myself....."Good for him."

I'll end with this:

The Sun Journal recently wrote: He was a lover of nature, having skied throughout Europe; he pursued the arts and was a follower of Henry David Thoreau. One of his favorite quotes by Thoreau was, "I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could learn what it had to teach, and not, when I came to die, discover that I had not lived."

Thank you, Madam Speaker.

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

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

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

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**ENACTORS**  
**Emergency Measure**

Resolve, To Stimulate the Maine Economy by Allowing the Federal First-time Home Buyer Tax Credit To Be Used at Closing of a Real Estate Transaction

(H.P. 1036) (L.D. 1483)  
(C. "A" H-569)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 222**

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, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Beaudette, Connor, Cushing, Eves, Hanley, Jones, Pratt, Rosen, Thomas, Tilton.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Enact the Uniform Prudent Management of Institutional Funds Act

(H.P. 981) (L.D. 1402)  
(H. "A" H-559 to C. "A" H-503)

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

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An Act To Prohibit the Delivery of Tobacco Products to Minors

(H.P. 850) (L.D. 1230)  
(S. "B" S-308 to C. "A" H-438)

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

On motion of Representative CAMPBELL of Newfield, 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. 223**

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, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Willette.

ABSENT - Beaudette, Connor, Cushing, Eves, Hanley, Jones, Pratt, Rosen, Tilton.

Yes, 141; No, 1; Absent, 9; Excused, 0.

141 having voted in the affirmative and 1 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase Access to Nutrition Information

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

(S. "B" S-314 to C. "A" H-481)

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

On motion of Representative TARDY of Newport, 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: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. As this bill has been going through, there have been questions about multi-person servings, and I wanted to clarify this for the record that in Section 1 of the Committee Amendment, under the heading "Calories per Serving", the language states that this means food or beverage item being offered for consumption by one person. So if you do have multiple person servings, you only have to put the calories per serving. This clearly implies that the intent of the legislation is, if the item offered for consumption by more than one person, the restaurant may state the same as such.

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

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is the last

chance to oppose this bill. Madam Speaker, there's a complete disconnect in this bill from the information that will be mandated in the consumer's directions on how to factor this information into their daily caloric intake. Therefore, I have a suggestion for consideration.

Good afternoon and welcome to the evil empire fast food chain. My name is Hal and I'll be helping you become more informed about your caloric intake choices as mandated by the State of Maine. I would direct your attention to the wall board listing the caloric values of all our products. In order for you to make intelligent choices, please remember that the maximum number of calories that should be consumed by a woman each day is 2,000, and for you sir, 2,500, and for your children, 1,500 to 2,000. I would caution you that one of your children appears to have exceeded their optimal BMI and you should take care to adjust their intake intelligently but firmly. In addition, I should caution that our products may or may not exceed the information as posted by up to 10 percent without penalty of law. However, please be aware that this potential over consumption of calories, whether realized or not, will factor into your total caloric intake. A 10 percent variation can be compounded on a daily basis, and over the span of the year it may increase your BMI. Oh, I'm sorry. I was supposed to tell you that BMI is your body mass index. The term is more fully explained on the back of your receipt. I must also caution you that our caloric information does not take into account any condiments that you may apply to our products once you take possession of the product. Please retain your receipt and note carefully the amount of any condiments that you may apply once you take possession of our product. In addition, you should not share or sample the meals of others in your party. This unhealthy habit also increases your caloric intake. Please remember that you must present your receipt and caloric intake papers to our state mandated and certified caloric intake councilor. Our certified caloric intake councilor will assure that you have accurately recorded your meal and any additional calories that have added to your meal. The caloric intake councilor is also trained to help you with the immediate and impending guilt associated with the double cheeseburger. I see there are four of you. Please have your caloric intake papers ready to present to our certified caloric intake councilor, in order to expedite your post meal evaluation. At that time, our caloric intake council will verify your caloric intake for today's meal and also certify that you received and understood all the nutritional information as mandated by state law. And finally, please be assured that your caloric intake journal is, and until further mandate of the State of Maine, will remain confidential under all provisions of HIPAA. Thank you, have a great day.

That, my friends, is behavior changing legislative policy. Please oppose this legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd like to remind you, and hopefully for the last time, that 19 years ago, all manufacturers that approved products were required to list caloric intake and various other things relative to nutrition on all the products in the grocery stores. Since then, we've become 74 percent more obese. My guess is that this bill is going to do just as much good as that bill did. Thank you so much.

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. 224**

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant,



Clark H, Cleary, Cohen, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

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

ABSENT - Beaudette, Connor, Cushing, Eves, Hanley, Pratt, Rosen.

Yes, 85; No, 59; Absent, 7; Excused, 0.

85 having voted in the affirmative and 59 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.

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An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws

(H.P. 1024) (L.D. 1473)  
(C. "A" H-570)

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. 225**

YEA - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, 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 - NONE.

ABSENT - Beaudette, Carey, Connor, Cushing, Eves, Hanley, Pratt, Rosen, Thomas.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-514)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-515)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Establish Climate and Energy Planning in Maine"

(H.P. 937) (L.D. 1333)

TABLED - June 3, 2009 (Till Later Today) by Representative DUCHESNE of Hudson.

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

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

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

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

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Just so you know, I'm about to offer an amendment, which we'll speak about momentarily should this motion be defeated, that will essentially accomplish what the floor vote is trying to do. So to that extent, I urge the body to defeat this motion so we can move on to the amendment.

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

**ROLL CALL NO. 226**

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cohen, Cornell du Houx, Crockett P, Dill, Dostie, Duchesne, Eaton, Eberle, Flemings, Gilbert, Goode, Harlow, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Percy, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Driscoll, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossil, Gifford, Giles, Greeley, Hamper, Harvell, Hayes, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Peoples, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Tilton, Weaver, Willette.

ABSENT - Beaudette, Connor, Cushing, Eves, Hanley, Haskell, Pratt, Rosen, Thomas.

Yes, 78; No, 64; Absent, 9; Excused, 0.

78 having voted in the affirmative and 64 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-514)** was **READ** by the Clerk.

Representative DUCHESNE of Hudson **PRESENTED House Amendment "B" (H-574)** to **Committee Amendment "A" (H-514)**, which was **READ** by the Clerk.

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

Representative DUCHESNE: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I do apologize, Madam Speaker. My amendment guts your bill. This is all that is left of LD 1333. This bill started out at about 5,000 words. It was a sweeping bill that was all about energy use and climate change and how Maine is going to adapt to it in the future. This bill is now about guppies.

I think the biggest knock against LD 1333 is that the business community felt left out of the policy crafting process. This amendment concedes the point. I think over the next summer there will be a lot of informal conversations to discuss the issues over the summer with the business community, with the environmental interests, with anybody who is interested in this bill. The issue will come back next session with another bill that's been carried over to the Natural Resources Committee, LD 891, and will take up the substance of the issue again, but this time with probably a much more desirable level of interest in the process within the business community on this bill. So we will get back to that.

In the meantime, there is one problem that has been identified that really does need to get addressed fairly soon. Recent rain storms, particularly in York County in the last few years, and also throughout the state have indicated we have some problems with some of our culverts. Some of them are oversized, they're not really up to task that they were once given and, as a result, a lot of these culverts result in road washouts that are expensive to municipalities. So it's recognized that a lot of these culverts are going to be replaced in the next few years and some of them, in fact a lot of them, aren't particularly good at promoting fish passage and aquatic organism passage, and that is having an impact on some of our native fisheries. For instance, brook trout are especially impacted. So the Department of Environmental Protection realizes that something does need to be done in terms of rulemaking of correcting this. This will require the department to look at its rules and come back with some major substantive rules a year and a half from now at the beginning of the next legislative session, so they'll take a year and a half to get to this and then bring it back to this body for its approval. All that is left of LD 1333 is to get that process started so we can examine how we can deal with the culverts that are already ready to be repaired and replaced anyway. It does exempt forestry and agricultural roads as it always has, only

permanent roads will be affected; state highways are already doing this; municipalities get theirs by permit by rule anyway, so we will just be amending that process, and that is now all that LD 1333 does. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

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

The SPEAKER: The Representative may pose his question.

Representative SAVIELLO: Can someone please tell me and define what aquatic organism is and where I can find the criteria to develop a culvert for that? Thank you, Madam Speaker.

The SPEAKER: The Representative from Wilton, Representative Saviello has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative DUCHESNE: Thank you, Madam Speaker. If anyone can answer the question better, I would defer to them. My understanding is that this would be developed in rulemaking. There are things that brook trout eat, small aquatic insects, bugs, mussels I think are included in aquatic organisms as well. As to what qualifies a natural stream flow, I think that's to be worked out in the rulemaking, which is why it's major substantive and comes back to us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative SAVIELLO: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd very much like to support this amendment, and actually in some ways, as I testified in front of the committee, I wanted to support this bill. However, I cannot support this amendment based on the fact that it's undefined, and that was really the question in criteria that was there before. But also, the question is what is a permanent road? A lot of forestry roads are permanent in a sense. They are built, they last for quite awhile, so do they get captured under this definition. And as a lot of information has come to me about smooth culverts, which a lot of towns have purchased because they believe they are the better way to go, they are cheaper, they are more efficient, so forth; however, the way this bill is written right now, a rippled culvert may be required, or a corrugated culvert, which is extremely expensive that may not really solve anything. So Madam Speaker, I'd ask for a roll call.

Representative SAVIELLO of Wilton **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-574)** to **Committee Amendment "A" (H-514)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-574) to Committee Amendment "A" (H-514). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 227**

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

ABSENT - Beaudette, Connor, Eves, Hanley, Perry, Pratt, Rosen.

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

93 having voted in the affirmative and 51 voted in the negative, with 7 being absent, and accordingly **House Amendment "B" (H-574)** to **Committee Amendment "A" (H-514)** was **ADOPTED**.

**Committee Amendment "A" (H-514)** as Amended by **House Amendment "B" (H-574)** 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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-514)** as Amended by **House Amendment "B" (H-574)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Expression of Legislative Sentiment recognizing Mathew Drisko, of Columbia Falls.

(HLS 511)

Which was **TABLED** by Representative TILTON of Harrington pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of the things that make me proud to be a member of this body is our tradition of honoring some of Maine's outstanding citizens—people whose contributions to their state, their community, and their fellow man make us glad to know them, or want to know them.

Today I stand to honor Matthew Drisko, of Columbia Falls, a brave young man whose quick thinking and decisive action saved the life of a family member.

Matthew is 8 years old. He had gone out with his grandfather, Lester "Bouncer" Drisko on his boat while he pulled his lobster traps. Most of you know that lobster fishing is dangerous, primarily because so many things can go wrong, often with tragic results. I am going to read you a description of the event, written by Sonny Beal, a correspondent for our local paper, as his coverage captured the drama so well:

"As he and his Grandfather were lobster fishing, the trap was baited then pushed back over the side. The loose rope, still coiled on the floor of the boat, caught around Mathew's grandfather's foot and pulled him overboard. This is the worst nightmare a fisherman can have; ropes and ice cold water are a real danger when fishing. Most young men and some older men would not have known what to do in this life or death situation. But not Mathew, he kept his head. He and his grandfather tried to get Grampie back aboard but with the effect of the cold water

and the weight of his wet clothes this eight year old could not bring his grandfather in over the side of the boat.

He had the good sense to give his grandfather his life jacket and he stayed calm. He took control of the boat and stayed with his grandfather clinging to the boat for the next 30 minutes. When Mathew saw another lobster boat he headed the boat off and signaled for help. With the help of Leland Faulkingham, Jr., the operator of the other boat who quickly recognized the situation, they pulled Bouncer to safety. This young boy was a true hero. In this day and age when many young people are not allowed or inclined to do such things, a young man who had learned to run his boat with the thoughtful teaching of his grandfather proved the value of a young boy understanding how to operate the boat. This is a great example of reaping what you sow; the time it took to teach young Mathew about life jackets and how to put the boat in gear and steer saved his grandfather's life."

Madam Speaker, I am extremely proud of this young man, and I wanted to share his story with the good people of this body. Thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

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Reference was made to Bill "An Act To Clarify the Role of the Public Advocate"

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

In reference to the action of the House on June 10, 2009 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative HINCK of Portland  
 Representative WAGNER of Lyman  
 Representative THIBODEAU of Winterport

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-572)** on Bill "An Act To Provide Free Admission to State Parks to All Maine Veterans" (EMERGENCY)

(H.P. 1043) (L.D. 1488)

Signed:  
 Senator:  
 SHERMAN of Aroostook

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-573)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford

Representatives:

PERCY of Phippsburg  
KENT of Woolwich

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-572)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-572)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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

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

**PASSED TO BE ENGROSSED** in the House on June 10, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-333)** in **NON-CONCURRENCE**.

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

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

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The House recessed until 3:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**ENACTORS**  
**Emergency Measure**

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, 2009, June 30, 2010 and June 30, 2011

(H.P. 269) (L.D. 333)  
(C. "A" H-539)

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

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

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

The **SPEAKER**: 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. 228**

**YEA** - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, 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, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

**ABSENT** - Cornell du Houx, Hanley, Pratt, Rosen.

Yes, 92; No, 55; Absent, 4; Excused, 0.

92 having voted in the affirmative and 55 voted in the negative, with 4 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate. **ORDERED SENT FORTHWITH**.

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**BILLS RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1047)

An Act To Update Department of Defense, Veterans and Emergency Management Laws

(H.P. 931) (L.D. 1327)

(H. "A" H-467 to C. "A" H-390)

- In House, **PASSED TO BE ENACTED** on June 4, 2009.

- In Senate, **PASSED TO BE ENACTED** on June 4, 2009.

On motion of Representative TRINWARD of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-567)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Inadvertently, we had left off the distribution of armories and how they would be

handled by the Maine National Guard. This amendment includes the language that would handle that. Thank you very much.

Subsequently, **House Amendment "A" (H-567)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-390) as Amended by House Amendment "A" (H-467)** thereto and **House Amendment "A" (H-567)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Establish the Task Force on Kinship Families (EMERGENCY)

(H.P. 770) (L.D. 1115)

(C. "A" H-147)

**FINALLY PASSED** in the House on May 7, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147) AND SENATE AMENDMENT "A" (S-320)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Amend the Laws Governing the Maine Children's Growth Council (EMERGENCY)

(H.P. 671) (L.D. 969)

(C. "A" H-159)

**PASSED TO BE ENACTED** in the House on May 12, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159) AND SENATE AMENDMENT "A" (S-318)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Resolve, To Establish the Study Commission Regarding Teachers' Compensation (EMERGENCY)

(H.P. 367) (L.D. 522)

(C. "A" H-420)

**FINALLY PASSED** in the House on June 4, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420) AS AMENDED BY SENATE AMENDMENT "A" (S-317)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

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

(H.P. 747) (L.D. 1080)

(H. "B" H-546 to C. "A" H-489)

**FINALLY PASSED** in the House on June 10, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY SENATE AMENDMENT "A" (S-319)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS**

**Acts**

An Act To Continue the Position of Director of Recreational Access and Landowner Relations

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

(H. "A" H-447 and H. "B" H-563 to C. "A" H-153)

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

On motion of Representative TARDY of Newport, 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. 229**

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

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

**ABSENT** - Blanchard, Cornell du Houx, Cushing, Hanley, Pratt, Rosen.

Yes, 94; No, 51; Absent, 6; Excused, 0.

94 having voted in the affirmative and 51 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate..

**Emergency Measure**

An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange

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

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

**SENATE PAPERS**

Bill "An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers" (EMERGENCY)

(S.P. 571) (L.D. 1491)

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Committee on **TRANSPORTATION** 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**.

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

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**Non-Concurrent Matter**

Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 830) (L.D. 1205)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)** in the House on June 5, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446) AS AMENDED BY SENATE AMENDMENT "B" (S-332)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act Regarding Saltwater Recreational Fishing"

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

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in the House on June 8, 2009.

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

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Amend the Charter of the Limestone Water and Sewer District"

(H.P. 1050) (L.D. 1494)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook and Representative: AYOTTE of Caswell.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **UTILITIES AND ENERGY** 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**.

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

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Encourage Renewable Energy Investment"

(H.P. 660) (L.D. 958)

Signed:

Senators:

SCHNEIDER of Penobscot

SULLIVAN of York

RECTOR of Knox

Representatives:

WRIGHT of Berwick

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

HUNT of Buxton

CLEARY of Houlton

GILES of Belfast

COHEN of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-577)** on same Bill.

Signed:

Representatives:

SMITH of Monmouth

MARTIN of Orono

**READ.**

Representative SMITH of Monmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SMITH**: Thank you, Madam Speaker. Just to bring folk's attention, this is a terrific bill brought forward by the Representative from Brunswick, Representative Cornell du Houx, which would have given pine tree zone benefits statewide to companies involved in energy efforts. We were able to incorporate the concepts of this bill into the statewide pine tree zone bill, LD 1437, that we passed in the House and the other body this morning, and which has been funded on the Appropriation's table. So a great concept incorporated in a bill, no longer necessary. With that, I hope it goes forward as Ought Not to Pass. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**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.

Resolve, Directing the Department of Transportation To Secure Funding To Complete the Aroostook North-South Highway Project (EMERGENCY)

(S.P. 283) (L.D. 736)  
(C. "A" S-60)

TABLED - April 30, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FINAL PASSAGE.**

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-60)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-575)** to **Committee Amendment "A" (S-60)** which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-60)** as Amended by House Amendment "B" (H-575) thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-60)** as Amended by House Amendment "B" (H-575) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Implement Tax Relief and Tax Reform"  
(H.P. 1051) (L.D. 1495)

Sponsored by Representative WATSON of Bath.  
(GOVERNOR'S BILL)

Committee on **TAXATION** 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.**

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

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 Bath, Representative Watson.

Representative **WATSON:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. LD 1495 is the product of cooperation between this body, the body at the end of the hall and the executive branch. The executive branch has made some suggestions as to improvements in the bill that we enacted a couple of days ago, LD 1088, and those improvements have been incorporated into 1495, which combines LD 1088 with the new material.

The changes, very briefly, this bill retains the key elements of 1088, it significantly lowers the income tax, it increases revenue stability, lowers the residential tax burden by \$55 million and, in fact, it has made improvements. It has reduced the number of people within a tax increase from 15 percent down to 11 percent. It has also recast several of the sales tax exemptions that we've discussed in the past and, all in all, has improved the bill considerably. I offer it to you with my greatest enthusiasm, and I wish we all vote for Passage to be Engrossed. Thank you.

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

Representative **CHASE:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I do have some concerns. Once again, we see before us pages of changes that really haven't been vetted to the public, and this body didn't particularly have any input in this, this body right here. So what I'd like to ask, I'd like to pose a question, if this were to go forward, what then happens to LD 1088?

The **SPEAKER:** The Representative from Wells, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill would serve as a replacement, in essence, for 1088. As the Representative from Bath, Representative Watson, stated, it is basically LD 1088 with some changes in it, and LD 1088, as we all know, is currently on the Chief Executive's desk. This bill would arrive there and then the Chief Executive would make whatever decisions he so chooses to make.

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 see what overall change is made, but I don't see any changes here for the gentleman who has to get his pickup truck fixed. He's still going to have to pay a tax on parts and labor. Am I correct?

The **SPEAKER:** The Representative from Newfield, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill as presented retains almost all of the core elements of LD 1088. So in response to the Representative from Newfield, Representative Campbell's question, yes the increase in taxes on auto repair is still there, as are most of the other expansions. However, this bill does add some additional tax relief for people of low and middle income, so there is some balancing. But I want to point out, and I always think that some people have never quite gotten this, that the original bill, although it does apply some additional tax burden by an expansion of the sales tax base, is on average providing residents in every income group with far more relief than the additional taxes they would be paying. So when all is said and done, the people of Maine have more money in their pockets. Thank you, Madam Speaker.

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

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

The **SPEAKER:** The Representative may pose his question.  
Representative **BICKFORD:** The original bill, 1088, offered \$75 million in tax relief. That was amended and changed to \$50 million in tax relief. Now with this new LD 1495, I want to know



how much tax relief is going to go to the citizens of Maine and where were those numbers created?

The **SPEAKER**: The Representative from Auburn, Representative Bickford has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In response to that question, the original bill, as presented back in March to this chamber, was entitled "An Act to Provide over \$75,000,000 in Tax Relief to the Citizens of Maine", and indeed, the numbers, when run then, resulted in that kind of value. I think the numbers run by Revenue Services were \$78 million and some change. That plan, after the changes in the economic forecasting and the work done by the Tax Committee during the months of May and early June, resulted in a recast bill that provides what I believe ended up being about \$57 million worth of tax relief. The title was changed to say over 50 to be safe. The final numbers from Revenue Services were \$57 million and some change.

The new plan, as presented, results in at least \$53 million and some change, and I say it at least because you may recall that LD 1088, in addition to the direct income tax relief, also made some positive changes to the Circuit Breaker program. And in LD 1088, when those numbers were incorporated in, it was probably another \$1 million plus in relief. That's not factored into the \$53 million. So I think, if I had all of those numbers together, the final number will be about \$55 million in tax relief provided to the residents of Maine by Enactment of this bill.

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. Not only is the guy getting his beat up old pickup truck fixed, in my town alone, which is one of the smallest towns in northern York County, there's five garages. When I'm at the end of my street, I can take a right and drive into New Hampshire in about two minutes, or I can go left and get onto the village in West Newfield in about two minutes. At the end of the right hand turn into New Hampshire, there's a big privately owned garage. So his business is going to start booming. And the people that I represent in my town, not only the people with the old pickup trucks, it's the guys with the little garages, and I've asked them how business has been since the car dealers are all going out of business and they said it's booming. But it won't be booming for them too much longer, when they start going back into New Hampshire.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. LD 1495 appears to be a replacement for LD 1088. It is a 33 page tax reform document, just arriving on our desks. It is submitted in the last minute of the session. It is submitted without reference to a committee. There will be no public hearing. There will be no work session. There will be no public testimony for; there will be no public testimony against. There will be no public testimony neither for nor against providing additional information. Just when I thought that LD 1088 was in the best interest of the Maine Republican Party, along comes something better.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

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

The **SPEAKER**: The Representative may pose his question.

Representative **KNIGHT**: My question is on I believe—I haven't really had a chance to read this either as it just appeared on my desk. Actually not on my desk, so I stole it from the desk next door because I didn't have one. The alternative minimum tax was a part of 1088 and in a quick read I couldn't find it. Has the alternative minimum tax been eliminated or is it back in the Tax Code? What is the status? Thank you.

The **SPEAKER**: The Representative from Livermore Falls, Representative Knight has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As did LD 1088, the new bill, as presented, repeals the alternative minimum tax.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **CELLI**: When I take my new car in for warranty service, am I going to have to pay sales tax on it?

The **SPEAKER**: The Representative from Brewer, Representative Celli has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. If I understood the question, the question was, if I buy a new car and bring it in for warranty service, do I pay sales tax on it. If that was the question, the answer is no. You'd be paying sales tax twice, because you pay sales tax on the purchase of the vehicle and value of the warranty at the time of purchase. Thank you, Madam Speaker.

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

Representative **PIOTTI**: Thank you, Madam Speaker. I want to respond to an earlier comment by the Representative from Harrison, Representative Sykes. Yes this is the end of the session, I would like to think it's the last minute of the session but it's not quite there yet, but it's a legitimate question. This is a new bill; it's fairly thick, what's going on? But if you do turn your attention to the summary in the very back, it lists the changes which are fairly modest. There was a necessity, because we're trying to change a law that is not enacted, that we had to reprint the entire bill. So I hope people don't stumble over the fact that it is a large document. The changes are modest and they are summarized adequately on the final page of the document. Thank you.

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

Representative **THIBODEAU**: Thank you, Madam Speaker. With LD 1088, I know that my favorite candy, Whoppers, was exempt, and I'm just curious if we are still exempting this under the new LD based on the fact that it has flour? I don't eat Snickers anyway, so I just wanted to check.

The **SPEAKER**: The Representative from Winterport, Representative Thibodeau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Madam Speaker. In response to the Representative from Winterport, Representative Thibodeau's question, indeed that element of 1088 is not changed. To reiterate, if you want to see what changes are in there, all you need to do is go to the back page and look. Thank you.



The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It really perplexes me that we're going to vote on an issue so extremely important as tax relief with no knowledge of LD 1495, at least for this legislator. And as the good Representative from Harrison so eloquently stated, I would be very surprised that each person in this chamber knows all the details of what this bill entails, and amazed if the Men and Women of this House can really make an intelligent and well-informed decision so quickly. Thank you, Madam Speaker.

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

**ROLL CALL NO. 230**

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

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

ABSENT - Hanley, Pratt, Rosen.

Yes, 87; No, 61; Absent, 3; Excused, 0.

87 having voted in the affirmative and 61 voted in the negative, with 3 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

**SENATE PAPERS  
Non-Concurrent Matter**

An Act Regarding Maine's Energy Future (EMERGENCY)  
(H.P. 1038) (L.D. 1485)  
(H. "A" H-540)

**PASSED TO BE ENACTED** in the House on June 10, 2009.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE.**

Representative MARTIN of Eagle Lake moved that the House **INSIST.**

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

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to comment briefly about this bill and share some comments that I just shared earlier this afternoon in the Appropriations Committee. I'm supportive of what the committee has tried to do. A great deal of work has been done. I think their overall vision of energy, planning for the future is good. My objections relate to Part E in that we are, in this bill as it exists today, proposing to allow a new department to borrow \$200 million, at \$30 million a year, and draw the funding from the General Fund to pay it. I object to that notion of raiding the General Fund. I'm not saying that the General Fund has always been pure on this matter. I propose an amendment that would reduce the amount of borrowing authority from \$200 million to \$100 million, from annual draw of \$30 million to \$20 million, and to make the HOME Fund, which is the affordable funding vehicle we have, pay for the revenue stream. I've been rejected on that level by a straight party vote in Appropriations, so I have no strategic or tactical move to make here today. I just want to make a statement for the record that we've added to the deficit by \$7 million per biennium, and we're asking this Legislature to authorize \$200 million in borrowing with no voter approval. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. This issue was raised in the Appropriations Committee this afternoon. As I pointed out at the committee meeting this afternoon, this bill came out with a fairly unanimous by the time we were done through the amendment process and is clear that nothing is going to take place until such time as when the committee is put together. The director and the members are appointed by the Chief Executive. The director is chosen by the new board, and the so-called \$200 million in question is not something that's going to happen overnight. Basically this is the ceiling that's being put for the long-term, in terms of the amount that eventually will be purchased, will be available for the program. And I understand the concern, but we're far ways away from having a problem and I don't see that developing. It is clear to me that what we tried to do was to put together a program for the long run and not simply the short-term, and I appreciate the concerns of the Representative from Waterford, Representative Millett, because obviously I share the same concerns. But in terms of the biennium, there will be no additional, in my belief, in terms of moneys that will be necessary to make up for the shortfall that's being suggested.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INSIST.**

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 to Insist. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 231**

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cray, Crockett P, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gilbert, Giles,

Goode, Greeley, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, Miller, Millett, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Richardson W, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Bickford, Browne W, Burns, Cebra, Cotta, Crafts, Crockett J, Curtis, Davis, Gifford, Hamper, Harvell, Joy, Knapp, Lewin, McLeod, Nass, Nutting, Pinkham, Plummer, Prescott, Robinson, Sarty, Sykes, Thomas.

ABSENT - Connor, Flaherty, Hanley, Hayes, Pratt, Rosen.

Yes, 118; No, 27; Absent, 6; Excused, 0.

118 having voted in the affirmative and 27 voted in the negative, with 6 being absent, and accordingly the House voted to **INSIST. ORDERED SENT FORTHWITH.**

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**Non-Concurrent Matter**

An Act To Amend the Laws Governing Tournament Games  
(H.P. 158) (L.D. 193)

**PASSED TO BE ENACTED** in the House on April 30, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84) AS AMENDED BY SENATE AMENDMENT "A" (S-323)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

An Act To Track the Prevalence of Childhood Obesity in Maine

(H.P. 255) (L.D. 319)

**PASSED TO BE ENACTED** in the House on May 20, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130) AS AMENDED BY SENATE AMENDMENT "B" (S-164)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130) AS AMENDED BY SENATE AMENDMENTS "B" (S-164) AND "C" (S-324)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

An Act Relating to Death Benefits for Certain Law Enforcement Officers and Amending the Definition of Emergency Vehicles

(S.P. 135) (L.D. 393)

**PASSED TO BE ENACTED** in the House on May 18, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) AS AMENDED BY SENATE AMENDMENT "A" (S-325)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act Regarding Alcoholic Beverage Tastings

(H.P. 353) (L.D. 498)

**PASSED TO BE ENACTED** in the House on June 10, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281) AS AMENDED BY HOUSE AMENDMENT "C" (H-545)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281) AS AMENDED BY HOUSE AMENDMENT "C" (H-545) AND SENATE AMENDMENT "A" (S-326)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention

(H.P. 447) (L.D. 633)

**PASSED TO BE ENACTED** in the House on May 12, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201) AS AMENDED BY SENATE AMENDMENT "A" (S-327)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

Resolve, To Expand Access to Renewable Energy Programs (EMERGENCY)

(H.P. 581) (L.D. 845)

**FINALLY PASSED** in the House on May 7, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) AS AMENDED BY SENATE AMENDMENT "A" (S-328)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings (EMERGENCY)

(S.P. 357) (L.D. 935)

**FINALLY PASSED** in the House on May 21, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-155)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-155) AS AMENDED BY SENATE AMENDMENT "A" (S-329)** thereto in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

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

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

**FINALLY PASSED** in the House on June 2, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353) AS AMENDED BY SENATE AMENDMENT "A" (S-330)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act Regarding the Pay of Tribal Representatives (EMERGENCY)

(S.P. 512) (L.D. 1428)

**PASSED TO BE ENACTED** in the House on June 3, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256) AS AMENDED BY SENATE AMENDMENT "A" (S-331)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS**

**Emergency Measure**

An Act To Improve Opportunity in the Maine Woods

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

(S. "A" S-333)

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness

(H.P. 805) (L.D. 1166)

**PASSED TO BE ENACTED** in the House on June 2, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413) AS AMENDED BY SENATE AMENDMENT "A" (S-337)** thereto in **NON-CONCURRENCE**.

On motion of Representative HASKELL of Portland, the House voted to **RECEDE AND CONCUR**.

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)

**FAILED OF FINAL PASSAGE** in the House on June 3, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135) AS**

**AMENDED BY SENATE AMENDMENT "A" (S-322)** thereto in **NON-CONCURRENCE**.

Representative BEAUDETTE of Biddeford moved that the House **RECEDE AND CONCUR**.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Yes, I'd like to provide a little bit of information. The other body has attached an amendment to LD 144 and the effect of that amendment is to not prescribe that anything be done immediately to reduce the size of the House of Representatives, but instead it seeks to get that authority from the people of Maine. In its amended version, it facilitates a 2010 ballot question requesting the legislative authority from the people, which the House currently does not have, to keep the number of Representatives in the House the same, or to change it to either 141 or 131. The Legislature would make the call. This is modeled after the Senate's current constitutional authority to self regulate at either 31, 33 or 35 Senators. This amendment is not originating from the Appropriations' table, and I suspect that the sponsor of LD 144, the good Representative from Winthrop, will provide more detail on this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Thank you to the Representative from Biddeford, Representative Beaudette. He covered some of the things that I was going to cover with you. I mostly wanted to say to the body thank you for the good debate about a week and a half ago on this topic. I learned a great deal. I learned a great deal about the very legitimate concerns that people had for this bill and spent a lot of time trying to find a way that would accomplish two things: One, get seven more votes in this chamber; two, to recognize the public's concern that we should consider this idea and think about this idea and show some activity on this premise of the size of the Legislature. I think that's a public expectation and I would like to see us achieve something there. But I also recognize the very legitimate concerns that members of this body had about being prescriptive in nailing down a certain number by a certain date, and I understood those concerns. What I tried to put together was something mimicking the other body, whereby they, in around 1969 or 1970, asked the same question of the public and got the constitutional authority to have a body that has a range of either 31, 33 or 35 members, and that decision is left to the Apportionment Commission, which is really a reach of the Legislature itself.

In developing this, I thought that using the numbers that we had already come up with—131 as kind of a low end, 141 as a middle ground, and 151, our current size—might make a lot of sense, and it's the same type of range that is in the other body, about a 10 or 12 percent flexibility range.

The comments that I heard from good colleagues in this building indicated to me that there was discomfort with prescribing something immediately, and that's why I've struggled to try to find a way that would accomplish my goal of sending a message to the public that we've listened, but also accomplished the goal of this Legislature and maintaining some control over this matter. And actually what will happen here, if we enact this and the public supports it in a referendum, we'd actually be granting to this body a right or an authority that we currently do not have, and I think that's probably a good way to leave this. The ballot question then would read, as a handout I've given to you might indicate, the ballot question then would say: Do you

favor amending the Constitution of Maine to alter the size of the House beginning in 2015 from the current 151 members to a number of members equal to 131, 141 or 151, the specific number to be determined by the legislative Apportionment Commission?

I do want to spend a little time talking about the commission itself. They do the work in the year 2013, the year 2023 to 2033, 2043, they do that work and then they bring that back to the Legislature. We second their activities with a two-thirds vote in both of the chambers, so we would still have that authority.

I hope this amendment indicates to you that I listened very carefully to your concerns, I'm still listening very carefully to the public concerns, and I hope that this way we can find a good common ground solution. I thank you very much, and I believe I'd like to have a roll call.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Saco, Representative Valentino.

Representative VALENTINO: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to oppose the motion currently on the floor. I find the amendment insulting, insulting to this chamber, insulting to the voters. I've seen a lot of bills in the last five years be watered down, some have been half aloof, some have been so watered down it's barely like the bill. This, to me, should not be put out. We're going to send a question out to the voters in 2010: Do you favor amending the Constitution of Maine to alter the size of the House of Representatives to a number equal to 131, 141, 151, the specific number to be determined by a legislative apportionment commission? We're going to send a referendum, a constitutional referendum out to the voters? We're going to spend our money, we're going to spend the taxpayers' money to send this out because we were seven votes short to do something that we all know they want us to do, because we couldn't vote, rather we did vote the other day and I praise every person in this chamber, we voted to save \$11 million to do something about the House. This is an insult to send this out to the voters, when this chamber should be able to vote and do something itself. I do not see us spending a penny on this, not a single solitary penny until we can have something that the voters absolutely understand and know what they're voting on, and I urge all of you to vote against this motion so we can adhere and at least let it die in non-concurrence. Because the only thing that we are going to accomplish today is, if we vote to Recede and Concur, is to spend taxpayers' money and then go out and put all of it on our campaign brochures, we passed LD 144, we passed a resolution to reduce the size of the Maine Legislature, and that is phony and I am not going to vote for this. This is why we should slow things down and know what's on our desk in the last few days, so I'm glad everyone's paying attention. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

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

The SPEAKER: The Representative may pose her question.

Representative DILL: I noticed with the amendment, the fiscal note just talks about the savings that we would have if in fact the Legislature was reduced, but there is no fiscal note associated with the cost of the referendum and I'm wondering if anybody has that figure for us to consider. Thank you.

The SPEAKER: The Representative from Cape Elizabeth, Representative Dill has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Thank you, Madam Speaker. The general way that all these questions have been dealt with by the Office of Fiscal and Program Review is that, generally, they'll have a phrase in there that says something about if this requires an additional ballot at the time that it's sent out, it would cost \$107,000. I think that's the standard language, and I think they say it that way because they have no way of knowing whether there's going to be an extra ballot or not. 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 think everybody's getting all riled up over nothing. I have a good suggestion. It received a favorable vote in the other body, 30-5, and in the House, 89-54. So I suggest that we put an amendment to get rid of the 30 Senators down there that was favor vote and get rid of Representative Flood and 89 others that voted for it here, and we'd be down right where we should be. So my suggestion is that I'll probably put an amendment to get rid of the 30 Senators and 89 Reps, and everybody will be happy.

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

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

The SPEAKER: The Representative may pose his question.

Representative SYKES: Does the Senate Amendment (S-322) make any procedural changes? Do we still need to put this out to the voters, a two-thirds vote in the House and the other body?

The SPEAKER: The Representative from Harrison, Representative Sykes has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you, Madam Speaker. I was not planning on getting in the middle of this one again, but I guess so willing to ask questions. I'll give you a little history. Remember that the other body was set at 33. A number of years ago we went through this concept and being concerned, once *Reynolds v. Sims* was announced by the Supreme Court, that some of us were concerned that the rural counties would get no representation, especially Piscataquis County. And so we decided that perhaps there is a way in which we could deal with that and let the Apportionment Commission decide the future of what would happen, and so we asked the voters to accept 31, 33, 35 concept. And so then the Reapportionment Commission, taking a look at what would happen if you were to go to 31, or to 33 that was then in existence, what would happen to Piscataquis or Washington or eventually Somerset and probably Aroostook, at the rate things are going, and so we decided that we ought to go that particular year, this would be two apportionments ago to 35, and that's why we structured that. Now some people have asked me about this proposal and the reason I'm going to vote for it, because that matter would be left up to the Apportionment Commission, that it could be 131, 141, 151, and the voters can decide whether or not they want to accept that.

As I told you last time that one of my greatest concerns is that whatever meeting I go to, whatever issue we talked about, that the issue is always raising, and I don't know who's raising it but it's being raised: Why don't you cut the size of the Maine House? And what this does is it allows the Apportionment Commission to take a look at what ought to be the right size and you have the flexibility then to do that at that time. The decision would be made by the Apportionment Commission and, subsequently, by

the Legislature every ten years. That's why I think it makes some sense, and it would finally get the issue out of here and out of the newspapers, and people would then feel as if they have some ability to control what happens with the size of the Maine Legislature, that simple. And it's not rocket science. You're either for or against it. It's whether or not you want to let the people vote for it.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the Recede and Concur motion. I won't spend much time on that. It seems to me we've discussed this fully last week, or whenever that was, and all we can do I think at this point is create a tar baby, and it seems to me we need to save our tar for the roads. So I would hope people will support the resistance to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion and with great respect for those that have worked very hard on this bill and on the amended version of the bill as well. I want to compliment the Representative from Winthrop, Representative Flood, for his very, very tenacious efforts in this regard, and I also want to compliment the good Representative from Eagle Lake, Representative Martin, and both of them are certainly my elders and my betters in many respects and I, above all, do not question their good intentions with respect to this proposal. But I have to say that in reading the bill and the amendment specifically that I am reminded of another Yogi Berra quote that says you have to be very careful if you don't know where you're going, because you might not get there.

First of all, I think that reapportionment is complex and political enough as it is without throwing this additional complexity and lack of certainty into the mix for the Legislature that would be affected by it.

Secondly, I'll be repeating myself here, but I've talked about how this body is truly the body of direct democracy and direct access to one's elected officials in Augusta. We are the most accessible legislators, the most accessible state policymakers, and the reduction, even to 131, would save 68¢ per Maine citizen—68¢. At what cost? At a cost of 15 percent to representation, 15 percent accessibility, your Representatives.

And third and finally and very importantly, I think that there is a significant error in the amendment that's being put forward. The amendment currently reads that the Legislature that convenes in 2015 and thereafter would consist of 131, 141 or 151 members. Madam Speaker, Men and Women of the House, there is no Legislature that convenes in 2015. There is a Legislature that convenes in 2014, but I think, as written, unfortunately this amendment would have no meaning, it would need to go back to the drawing board and I think it's a little late in the session for doing so, so I hope that those that have read it carefully and thought about that. That Legislature, again, would convene in December 2014, would give that some thought as well and vote against the pending motion. Thank you, Madam Speaker.

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

Representative **VAN WIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise with regret. I cannot support the motion on the floor and I apologize to my very good colleague, Mr. Flood, the Representative from

Winthrop, I know he's worked very hard on this and I've grown to know him and respect him very much through this process. My concern is this just does not send a clear message to the voters that we've made up our minds that we want to do this. I am concerned that the proposed amendment would be very confusing to the voters and that it would lead to quite a bit of confusion over how and why we're doing this, and I'm afraid that it could actually backfire. So I will not be supporting the motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MARTIN**: I just would like to ask a point for clarification of the Representative from Winthrop, Representative Flood, when he talked about the cost of putting this out to a ballot. Did he say \$107,000 or \$170,000?

The SPEAKER: The Representative from Orono, Representative Martin has posed a question through the Chair to the Representative from Winthrop, Representative Flood. The Chair recognizes that Representative.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am quite sure that all the fiscal notes that I've seen that deal with these ballot questions say \$107,000, if an extra ballot needs to be turned out. I believe that's right, I'm going from memory there but I think that's right.

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

Representative **CAIN**: Thank you, Madam Speaker. Regardless of the specific amount, I think the bottom line is to understand that anything that goes out to the people has a fiscal note potentially because it makes the assumption that we may or may not be having an election anyway at that particular time. If there is already an election and there is already a ballot, the cost is relatively insignificant, if at all, to print another question on the ballot. The real issue comes if a second ballot is needed, or if a special election is needed, just to simply hold it for this particular question. For example, if it was going out this coming November, where we know there's already things that are going to be on the ballot, it would likely have little to no impact on the cost. It would really depend on if there was another ballot or not and we are not able to make that determination at this time. Thank you, Madam Speaker.

Representative **MARTIN** of Eagle Lake moved that the House **RECEDE**.

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

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**REPORTS OF COMMITTEE**  
**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify the Role of the Public Advocate"

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

has had the same under consideration, and asks leave to report: That the House **RECEDE** and **CONCUR** with the Senate.

Signed:

Representatives:

WAGNER of Lyman

THIBODEAU of Winterport

## Senators:

HOBBS of York  
BOWMAN of York  
SMITH of Piscataquis

**READ.**

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

Representative **HINCK**: I need a point of clarification from the Speaker whether at this time I can address the merits of the amendment that came from the other body that is before the House.

The **SPEAKER**: The Representative may proceed. The Committee of Conference Report is the Acceptance of the Recede and Concur motion with the Senate, which would include the Senate Amendment. The Representative may debate the rejection of that Committee of Conference Report.

Representative **HINCK** of Portland moved that the House **REJECT** the Committee of Conference Report.

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

Representative **HINCK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. You've seen this matter on the Calendar for some time. I know we all think we live in historic times, so I know there's a fallacy in that and what we may think is historic may not be. This may not be the single measure with the greatest amount of agreement in committee that has languished the longest in the full Legislature prior to coming up for a vote, but it must be competing for that. The measure actually had extraordinary agreement in committee. It concerns the Office of the Public Advocate. I'm sure that most members are familiar with the Office of the Public Advocate. You may or may not be as familiar as members of the Utilities and Energy Committee. The Office of the Public Advocate is created by statute, Title 35-A, and the position is appointed by the Chief Executive, subject to the review by the Utilities and Energy Committee, and the Public Advocate serves at the pleasure of the Chief Executive. That is an important point in connection with this measure.

Over and beyond that, the Public Advocate's duties are set forth in the statute. I would summarize those, although I have the exact language in front of me, that the Public Advocate works on behalf of basically utility ratepayers in all matters that come before the Public Utilities Commission. The mission of the office, the charge of the office is the interests of the ratepayers. The committee perceived some tension between the designation that the Public Advocate serves at the pleasure of the Chief Executive, but the mission of the Public Advocate is entirely the interest of the ratepayers. And after examining what other states do and working through the bill, produced the bill that came to this body. It now has an amendment which incorporates the original language, so both of them are germane and come up for the vote.

The area of disagreement concerns a provision of the amendment which would effectively give an appointment to the current Public Advocate. The committee, in doing its job, instead had proposed that the effectiveness of the statute to make a change in the office would commence in 2013. The reason for this was so as not to address the current Public Advocate, the current Chief Executive, but rather look structurally at what was best for the State of Maine, for the ratepayers and the job of the Public Advocate.

The change that is in the bill, both the amendment and the original bill, is to give the Public Advocate position from the date of effectiveness forward an appointment of four years. That

appointment would occur two years into every gubernatorial term and, as has always been the case, it would be reviewed by the Utilities and Energy Committee and approved by the Legislature, the other body and point of practice. What we have before us and came out of the Committee of Conference would be an appointment, the same bill, but an appointment of the current Public Advocate who, if the measure is passed, would serve under that appointment until 2013, when the next appointment would occur. I hold with the original wisdom of the Utilities and Energy Committee and believe that the matter should not concern current officeholders in any way and that the committee was correct to begin with. I would stick to that matter of principle and, therefore, reject the outcome of the Committee of Conference and encourage this body to join me in that. Thank you very much.

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. We participated in a Committee of Conference and had a 5-1 report out of committee. The good Representative from Portland obviously was opposed to the results of that Committee of Conference. There is a long speech that has been sitting on my desk for days and I hesitate to give that at this point, but I would ask that the Clerk read the Committee Report, if she would.

Representative **THIBODEAU** of Winterport **REQUESTED** that the Clerk **READ** the Committee of Conference Report.

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

Representative **WAGNER** of Lyman **REQUESTED** a roll call on the motion to **REJECT** the Committee of Conference Report.

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

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

Representative **FLETCHER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I will be brief. As you heard, we're all in agreement. Five out of six were in agreement and we should Recede and Concur. It's straight forth. We understood in committee that to give the Office of Public Advocate the independence and the freedom to represent the interests of the ratepayers, we needed to make a change for the future. That change says starting in 2013 that will be an appointed position for four years, not changing the structure but just saying you will be appointed and you will have some independence versus serving at the pleasure. If we do not make that change now, we are preserving the status quo because we will be in non-concurrence between the two bodies and it will die. If it dies, we have not achieved the objective that the committee realized: we need a change. Now I would ask that we vote to Recede and Concur, allow the current incumbent, who if was not performing his or her position in an acceptable manner, there's another process to deal with that, and then to proceed on in an orderly manner to 2013 and let the process work. We need to make a change. That's what we agreed upon. Thank you, Madam Speaker and Ladies and Gentlemen.

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

Representative **HINCK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I trust that the situation may be ever clearer to people, I hope so. I would like to add one little piece of background: In the last 23 years, the State of Maine has been served by two Public Advocates. That's easy, because one of them served for almost 21 years. The change to the most recent Public Advocate was rather recent in the past. It

is not considered by anybody that I heard testimony from or anybody on the committee state that the situation is broke. We have been well served by the prior Public Advocate and the current Public Advocate. That is a tremendous amount of work that the Public Advocate does. All proceedings of the Public Utilities Commission, all matters dealing with utility rates are subject to review and effort by the Public Advocate and that job has been handled very well. There is no reason to believe that the good work of the Public Advocate wouldn't continue as it has regardless of how you vote here today. I think the biggest issue is whether or not we take a bill that is properly about the structure of our state government and the term of a position of importance and add a provision that deals with one person. That's bad public policy. I think that the committee was in agreement on that. Maybe the concern of some that there is a window of opportunity to get something done here allows them to trump their views in what's good public policy, but I would hold to the view that our statutes should not be cluttered with provisions that are intended and do address a single individual. I'm confident that the Utilities and Energy Committee and this Legislature can accomplish the work that we intended to accomplish before the year 2013 irrespective of what is done here today. I would like to know if we can read the report of the vote in committee on LD 954.

Representative HINCK of Portland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just as a follow-up and hopefully to help clarify the posture we're in and where I think we should go. The committee did good work on this bill. The other body enhanced it, they didn't ruin it. What they did do was say that the provisions that are in the bill that the committee put forward will apply to this Public Advocate that is now seated, as well as those in the future. We're not singling a Public Advocate out; we're just simply saying that the provisions apply. So I would ask that we turn back this motion to Reject and move on to the Recede and Concur. Thank you, Madam Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Reject the Committee of Conference Report. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 232**

**YEA** - Adams, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Casavant, Clark H, Connor, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Goode, Harlow, Haskell, Hill, Hinck, Hogan, Innes Walsh, Kruger, Lovejoy, MacDonald, Martin JL, Mazurek, Miller, Morrison, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner R, Watson, Webster, Welsh, Madam Speaker.

**NAY** - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Bickford, Bolduc, Browne W, Burns, Campbell, Carey, Cebra, Celli, Chase, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Harvell, Hunt, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Lajoie, Langley, Legg, Lewin, Magnan, Martin JR, McCabe, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Pendleton, Peterson, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Strang Burgess, Sykes,

Tardy, Thibodeau, Thomas, Tilton, Tuttle, Wagner J, Weaver, Wheeler, Willette, Wright.

**ABSENT** - Flaherty, Hanley, Hayes, Piotti, Pratt, Rosen.

Yes, 58; No, 87; Absent, 6; Excused, 0.

58 having voted in the affirmative and 87 voted in the negative, with 6 being absent, and accordingly the motion to **REJECT** the Committee of Conference Report **FAILED**.

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

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **ADAMS**: Thank you, Madam Speaker. Is the bill now in a posture to receive amendments in this chamber?

The **SPEAKER**: The Chair would answer in the negative.

The Chair will read the Joint Rule around the Committee of Conference Report, Rule 352: When the chambers do not agree on an action, a committee of conference is in order. A committee of conference consists of 3 members from each chamber who voted on the prevailing side. A committee of conference shall meet and submit a report within 10 legislative days to the chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee report may be either accepted or rejected, but no other action may be had except through another committee of conference. If necessary, a new committee of conference may be formed.

The Chair would rule that a motion to Table is then out of order. The Chair recognizes the Representative from Portland, Representative Adams.

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

The **SPEAKER**: The Representative may pose his question.

Representative **ADAMS**: Madam Speaker, it is the recollection of the Representative that when the bill was in posture to perhaps receive amendments, the only motion accepted from the floor was immediately to proceed to the Committee of Conference, though others, including the Representative from Portland, had at that time indicated interest in making amendments and had thus filed to do so. Therefore, Madam Speaker, there being no opportunity presented to present amendments from the floor in this chamber, what would be the best posture for the bill to be placed in so that it may be put, at a better time than this hour of the night, in the posture to receive amendments?

The **SPEAKER**: The Chair would answer that there are two options: One, the option is to ask for a second Committee of Conference. That is still an available option. And the other option is that, upon the motion of Enactment, which we will take up I assume if it comes back from the other body, you could move to back it up and offer an amendment.

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

Representative **ADAMS**: Thank you, Madam Speaker. In my own reading of the rules, I somewhat anticipated the same, and I am edified and gratified and educated by the response of the Chair, and take the opportunity this time to make it quite clear that there are people interested in this chamber to present amendments and would certainly wish now that the record make it clear that the opportunity to do so would be eminently desirable at the right moment, and at least one Representative shall proceed to do so. Thank you.

Subsequently, the House voted to **RECEDE AND CONCUR**.



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

**ORDERS**

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1052)

ORDERED, the Senate concurring, that Bill, "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles," H.P. 244, L.D. 308, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ.**

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

Representative **MARTIN**: Thank you, Madam Speaker. As you may remember, some of you, we had some discussion about this bill some time ago, and it is now before the Chief Executive. There are still some people who were complaining about the fact that the bill was in that posture and so the three of us this afternoon—the Minority Floor Leader, myself and the Representative from Sangerville—met with the Chief Executive and the other parties on the opposite side, and we have reached a clear understanding of the way to proceed. And when it comes back, we'll be offering an amendment which clearly clarifies the law so that game wardens will be treating citizens the same way as other law enforcement officers.

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

The House recessed until 7:45 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:

**ENACTORS**

**Acts**

An Act To Update Department of Defense, Veterans and Emergency Management Laws

(H.P. 931) (L.D. 1327)

(H. "A" H-467 to C. "A" H-390; H. "A" H-567)

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. **ORDERED SENT FORTHWITH**.

**Acts**

An Act To Amend the Charter of the Limestone Water and Sewer District

(H.P. 1050) (L.D. 1494)

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. **ORDERED SENT FORTHWITH**.

**Acts**

An Act To Implement Tax Relief and Tax Reform

(H.P. 1051) (L.D. 1495)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-578)** which was **READ** by the Clerk.

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. LD 1495 hasn't had a hearing. The argument that it's similar to LD 1088 and that had a hearing, I don't think cuts it. It's been run through the process, what I hope is the last night of this Legislature, and I believe that there is a risk that in excess of 100,000 families will suffer a tax increase. Now running a bill through that's touted as tax reform, I think, deserves some public input. I think the Representative from Harrison weighed in on some of the criticisms of running such a significant piece of legislation through the process without a hearing.

Last November, the people of Maine overwhelmingly rejected a similar process. A good friend from Bowdoinham likes to quote Yogi Berra, I will now: "Déjà vu all over again." Now let's let the people have some input. If no public hearing, well let's do a referendum, and that's what this amendment does. It tacks on a referendum question. I would say, after a review of the summary of the bill that appeared on our desks a couple of hours ago, that LD 1495 makes things a little better for some families. If you have a \$600,000 home that's on the market and you take off in your fully warranted Lexus and head to Sugarloaf for the weekend, well you do alright. But Joe five-pack, driving the pickup from Newport up to that wood lot in Atkinson, he might have a different opinion. I urge the House to adopt this amendment. Thank you.

Representative WATSON of Bath moved that **House Amendment "A" (H-578)** be **INDEFINITELY POSTPONED**.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Every element in this bill has had a full and complete public hearing. We have discussed before the Taxation Committee every element in this: the sales tax broadening, the earned income tax credit. Every change that's made in 1495 from 1088 has been fully vetted. It was not something that came out of the dark of night; it was not something that came out of a backroom deal. Every element in this bill has had a full public hearing and the public has chimed in ad nauseam on every element of it. This bill is the product of at least 10 or 12 years of bipartisan work, not only bipartisan but Independents have joined in this process as well, including my esteemed colleague, the former Representative from Yarmouth, Representative Woodbury. We have worked on this for the seven years that I have been here and for seven or eight years before I arrived. It is our job; this is what we were sent here to do. This is what we were elected to do, not to decide well maybe we ought to send it out for referendum. This is our job and we have done it and we have done it well, and we have done it well enough to be proud of it. It does not need to go out to referendum. I encourage you to



please support the Indefinite Postponement motion. Thank you, Madam Speaker.

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. Just to clarify, I said Joe five-pack, I meant it. In my district, we can't afford six-packs anymore. In this economy and in this tax burden, I think it is now the state of Joe five-pack, and I would request a roll call.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-578)**.

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 Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would only point out that LD 1495 has included a new feature directed to the people that the good Representative from Newport, Representative Tardy, are concerned about and that is the earned income tax credit. It is fully refundable now, refundable to an extent to where Representative Tardy's friends and neighbors can certainly pick up a full six-pack and enjoy the benefits of tax reform. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I appreciate the comments from the good Representative from Bath as to the public exposure of different parts of this legislation, but to think that 10 years ago we had a hearing on some components on this doesn't necessarily mean that it's valid today. I looked a lot different 10 years ago too, and I think it's imperative that we think very carefully about this because, frankly, the people in Maine are looking to us for the type of leadership and the type of reasoned response that they expect for their elected leaders. To rush something through of this nature before we've had a chance to address the spending issues that are afflicting us, I think, is very unwise. Thank you, Madam Speaker.

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 rise to comment on this discussion. We've had I guess a lot of discussion in a committee, but I just want to share with you one story of a small business that I heard from, and it's an element of this tax that is within 1088, it's within this bill that we're looking at now. And if you travel Route 3, if you've ever gone to Bar Harbor through Belfast, you go by a place called Perry's Nut House. Perry's Nut House has been there since the early '20s, and Eleanor Roosevelt used to stop there and purchase candy on her way to Campobello Island for the summer with her children on her way to see the president who was there, and I worked there years ago. But I got an email from the owner there, and he was very concerned because one of the nicest things you can get when you go to Perry's Nut House is a nice big piece of fudge, and they make the best fudge around, and they are now looking at an 8.5 percent tax on it. It just made me think of all the small business owners and all the candy shops along the way, and it kind of disappoints me that, as we go out of here, we're going to do something to tax something that really is kind of pleasurable from that standpoint. So I would hope that we would give this more vetting and give more opportunity for the small businesses, such as Perry's Nut House, to weigh in on this. Thank you.

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. If this is such a well thought out bill and it's been worked on for such a long time, I don't see any problem sending it to the people and letting them decide how well they like it and if it is a well thought out bill.

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

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As a member of the Taxation Committee, I would like to point out that this bill was properly vetted: Two hours of testimony and support, another six hours of testimony in opposition, with probably another two hours of opposition going home without being heard, and I wish that we would listen to the public. Thank you.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Bath, Representative Watson, said that this bill has been worked on for seven years. Why do we get it at the eleventh hour, now under the cover of darkness?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-578). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 233**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flemings, Gilbert, Goode, Harlow, Haskell, 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, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

ABSENT - Carey, Flaherty, Hanley, Hayes, Pratt, Rosen.

Yes, 87; No, 58; Absent, 6; Excused, 0.

87 having voted in the affirmative and 58 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-578) was INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 234**

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

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

ABSENT - Carey, Flaherty, Hanley, Hayes, Pratt, Rosen.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending his motion to **RECEDE**.

Subsequently, Representative MARTIN of Eagle Lake **WITHDREW** his motion to **RECEDE**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My hope was and still is that this moderated version of LD 144 provided recognition of the issues raised and was respectful and responsive to the concerns brought forth by some of my good colleagues here. And I wanted to make some clarification remarks, if I could, to be clear to this body. I wanted to be sure that you all knew that I prepared the amendment that is now before you on this LD 144, and prepared it for the other body to offer because that is the protocol for how items come off the Appropriations' table and go back to the other body, and it's usually the chair of the Appropriations Committee who presents those amendments to the other body, and then they get back in motion that way. So that was a standard protocol, and I wanted to be sure that my colleagues understood that.

I did want to say that I do believe that it still sends a very good message to the public that we've listened. And to the point that others raised earlier, that it would be a confusing issue to the public to look at this question and respond to it, I would say that in 1969 the other body had that concern, that question went out, it was dealt with. The people are smart, they will understand it, and they will be able to deal with the question. They will understand that.

Also, there was a question raised earlier that I wanted to be sure that I responded to regarding the question itself and the year that which is stated, we talk about altering the size of the House of Representatives beginning in 2015, and that is the correct language. I checked that twice before because, to me, also it seemed counterintuitive that that would be the way it should work. But in checking again with the chief revisor, she indicates that that is how we have always dealt with those matters, that is the way, that is the correct language to use in that context. So you can be sure that the phrasing is correct there.

My motivation in this whole process, from a year ago, is to find a way to overcome concerns and get to yes. That's very difficult. You all know that because you all have tried to do that same process as you go through your legislative session. My concern after earlier votes on this matter was the fact that it was so close to an Enactment vote that it was really my duty to try to find a way to get us to yes, and that is why I prepared this additional amendment. Again, I felt duty bound to do that. I hope that this bill would empower the people by asking them a question that I think they would like to respond to, and I think it would also empower this Legislature as well, and I thank you all very much for the opportunity to have presented it. Thank you, Madam Speaker.

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

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I voted for this on the two previous occasions, because I don't think it makes much difference if it's 131 or 151, and I don't believe it's going to save any money. I believe it will cost us more to remodel the House to accommodate 131 than we save, but I believe that the people want it. But I don't think they want us to play games like this, do they? If we want to reduce the size of the House, let's reduce the size of the House. Let's not give it to some other committee to decide for us. If we don't have the courage to do it, then let's not do it. Thank you.

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. The proposal arriving on the wings of night from the other body is very thoughtful, but it is very large, it is very late and it is very sweeping. And for all of those reasons, plus the fact that the Constitution should not be amended casually or quickly or late at night, I believe it best not to adopt this measure at this late hour. But in no respect does that mean disrespect for the probity and sincerity of the good sponsor.

A quick example to show why I think the Senate and the House stories are different and should stay different. The example has been given to us of the Senate Amendment that is now in the State Constitution. Here's how it came about: In Maine's first Constitution, the Senate represented counties. Each county got two Senators. The House represented people. No town got more than seven or less than participating in one. So it remained for 150 years, until a famous United States Supreme Court case called *Baker v. Carr* in the 1960s, which established the famous doctrine of one person, one vote, and it required all states, including ours, to create single member districts for both House and Senate. So now all legislators in the United States and in Maine, and in House and in Senate, represent people not territory.

But later, it was understood that since Maine would grow, the Senate could grow: 31 to 33 or to 35. It was meant to allow for growth, not for shrinking. Two houses, two stories, two different ends, two different paths, with two different chambers.

I encourage you not to Recede and Concur tonight, and I don't believe we'd be misunderstood in the press. I'm not so concerned about what the papers might say necessarily. Newspapers are shrinking too and that doesn't mean they're getting any better. In that case, shrinking is not necessarily a good thing at all.

Colleagues, if an idea like this worthy of our consideration is to be done, it should be done as an original bill at a different and a better moment, through the regular hearing process and during daylight. I encourage you to vote against the pending motion.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 235**

YEA - Austin, Beaudette, Beck, Bickford, Blodgett, Bolduc, Browne W, Burns, Cain, Cebra, Celli, Chase, Clark T, Cleary, Cohen, Cornell du Houx, Cray, Curtis, Cushing, Edgecomb, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Haskell, Hinck, Johnson, Knapp, Knight, Langley, Lewin, MacDonald, Martin JL, McFadden, Miller, Millett, Nass, Nutting, Peterson, Pieh, Plummer, Prescott, Richardson D, Robinson, Sarty, Saviello, Strang Burgess, Sutherland, Tardy, Thibodeau, Tilton, Weaver, Willette.

NAY - Adams, Ayotte, Beaudoin, Beaulieu, Berry, Blanchard, Boland, Briggs, Bryant, Butterfield, Campbell, Casavant, Clark H, Connor, Cotta, Crafts, Crockett J, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Gilbert, Goode, Greeley, Harlow, Hill, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, McKane, McLeod, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pilon, Pinkham, Piotti, Priest, Rankin, Richardson W, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sykes, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 55; No, 91; Absent, 5; Excused, 0.

55 having voted in the affirmative and 91 voted in the negative, with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative BEAUDETTE of Biddeford, the House voted to **INSIST**.

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

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

**ENACTORS**

**Emergency Measure**

Resolve, To Expand Access to Renewable Energy Programs  
(H.P. 581) (L.D. 845)  
(S. "A" S-328 to C. "A" H-158)

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

**Emergency Measure**

An Act Regarding the Pay of Tribal Representatives

(S.P. 512) (L.D. 1428)  
(S. "A" S-331 to C. "A" S-256)

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. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings

(S.P. 357) (L.D. 935)  
(S. "A" S-329 to C. "A" S-155)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 236**

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

NAY - Austin, Ayotte, Burns, Cebra, Clark T, Crafts, Crockett J, Curtis, Cushing, Edgecomb, Gifford, Hamper, Joy, Knapp, Lewin, McFadden, McLeod, Pinkham, Plummer, Prescott, Robinson, Sarty, Sykes, Thomas, Weaver.

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 121; No, 25; Absent, 5; Excused, 0.

121 having voted in the affirmative and 25 voted in the negative, with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

- An Act To Amend the Laws Governing Tournament Games  
(H.P. 158) (L.D. 193)  
(S. "A" S-323 to C. "A" H-84)
- An Act To Track the Prevalence of Childhood Obesity in  
Maine  
(H.P. 255) (L.D. 319)  
(S. "B" S-164 and S. "C" S-324 to C. "A" H-130)
- An Act Relating to Death Benefits for Certain Law  
Enforcement Officers and Amending the Definition of Emergency  
Vehicles  
(S.P. 135) (L.D. 393)  
(S. "A" S-325 to C. "A" S-132)
- An Act Regarding Alcoholic Beverage Tastings  
(H.P. 353) (L.D. 498)  
(H. "C" H-545 and S. "A" S-326 to C. "A" H-281)
- An Act To Amend the Laws Pertaining to Refusing To Submit  
to Arrest or Detention  
(H.P. 447) (L.D. 633)  
(S. "A" S-327 to C. "A" H-201)

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

**Resolves**

- Resolve, To Conduct an Updated Study of the Feasibility of  
Establishing a Single-payor Health Care System in the State and  
the Impact of Any Federal Health Care Reform  
(H.P. 690) (L.D. 1002)  
(S. "A" S-330 to C. "A" H-353)

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

**Emergency Measure**

- An Act To Protect Maine Citizens and Franchised New Car  
and Truck Dealers  
(S.P. 571) (L.D. 1491)

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. 237**

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu,  
Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc,  
Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell,  
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,  
Giles, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hill,  
Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy,  
Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg,  
Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL,

Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett,  
Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples,  
Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer,  
Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson,  
Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois,  
Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes,  
Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward,  
Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson,  
Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam  
Speaker.

NAY - NONE.

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 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.

**Emergency Measure**

- An Act To Amend the Laws Governing the Maine Children's  
Growth Council

(H.P. 671) (L.D. 969)

(C. "A" H-159; S. "A" S-318)

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

**Emergency Measure**

- Resolve, To Establish the Study Commission Regarding  
Teachers' Compensation

(H.P. 367) (L.D. 522)

(S. "A" S-317 to C. "A" H-420)

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. 126 voted in favor of the same and  
17 against, and accordingly the Resolve was **FINALLY PASSED**,  
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)

(S. "A" S-319 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. 117 voted in favor of the same and  
28 against, and accordingly the Resolve was **FINALLY PASSED**,  
signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Establish the Task Force on Kinship Families  
(H.P. 770) (L.D. 1115)  
(C. "A" H-147; S. "A" S-320)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

**Acts**

An Act To Establish a Health Care Bill of Rights  
(H.P. 830) (L.D. 1205)  
(S. "B" S-332 to C. "A" H-446)

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. 238**

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Casavant, Celli, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Piotti, 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, Wright, Madam Speaker.

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

ABSENT - Carey, Hanley, Hayes, Pratt, Rosen.

Yes, 90; No, 56; Absent, 5; Excused, 0.

90 having voted in the affirmative and 56 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.

An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness  
(H.P. 805) (L.D. 1166)  
(S. "A" S-337 to C. "A" H-413)

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

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

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On motion of Representative CROCKETT of Bethel, the House adjourned at 9:21 p.m., until 9:00 a.m., Friday, June 12, 2009.

**Acts**