

# 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  
 57th Legislative Day  
 Friday, June 12, 2009

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

Prayer by Honorable Philip A. Curtis, Madison.

National Anthem by Honorable Jane S. Knapp, Gorham, Honorable Mary Pennell Nelson, Falmouth and Honorable Leila J. Percy, Phippsburg.

Pledge of Allegiance.

Doctor of the day, Kathleen S. Thibault, D.O., Dover-Foxcroft.

The Journal of yesterday was read and approved.

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

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 (EMERGENCY)

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

**FAILED OF PASSAGE TO BE ENACTED** in the House on June 11, 2009.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Representative PINGREE of North Haven 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**: 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. 239**

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

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

**ABSENT** - Beaudette, Bolduc, Cohen, Cushing, Flaherty, Greeley, Harlow, Robinson, Rosen.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative MARTIN of Eagle Lake, the House **RECONSIDERED** its action whereby the motion to **RECEDE AND CONCUR FAILED**.

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

Representative **MARTIN**: Thank you, Madam Speaker. I have not gotten involved in the Highway Budget or the gas tax issue, but where we are now is the most irresponsible thing I've seen to date. If we fail to enact this bill without a tax increase, we are putting 2,300 people without receiving a paycheck next week, those who work for Motor Vehicle and those who work for the Department of Transportation. This bill has no gas tax; it has nothing else in it except keeping the store open. Now those people who don't want a gas tax, this is the vehicle you ought to vote for. And this vote we will take right now is the last vote that will be taken on this bill, because after that, this bill is dead, and on Monday morning Motor Vehicle offices will be closed, you will not have a driver's license, and then you can deal with your customers, your constituents and tell them, and I hope that when we go home that they are at your doorsteps and not mine, and that they understand what you are doing because this bill has no tax, none. All this bill does is to keep the Department of Transportation operating and Motor Vehicle. After this time, pink slips need to be given under the law. And as long as everyone in this room knows what we are doing, then I, Madam Speaker, request the vote be taken and it be taken by the yeas and nays, and let us proceed to see brinkmanship in its process.

The same Representative **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 Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I can't say it any better than the good Representative from Eagle Lake, Representative Martin just expressed, what is really taking place here. It's amazing that we just opened up today's session asking for God's grace to do the right thing. How quickly we forget the words. We have to put aside our personal prejudice, our personal political agendas and do what's right for the people of the State of Maine. This is a barebones budget. It has no tax included, it has nothing included. It's simply to keep the Department of Transportation operating and stop the pink slips from beginning to flow this afternoon. That's all it does. That's all it does. If you want to close down the Department of Transportation, you want to close down the infrastructure of the State of Maine, you can do it, but let it be on your conscience and let it be on your vote. I urge you please to use some rational thinking and put aside whatever political agendas we have and do what's right for the people of Maine. I really feel that this is something that has to be done, it needs to be done. I urge you to please think hard before you do something irrational. Thank you.

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

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

Representative **THERIAULT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As a member of the Transportation Committee, I ask you to please vote green on this issue. It's a very important one. It means a lot. You know, if we lose all these people out, I mean what are we going to do? We're going to put the money into; it's going to go to unemployment? These people need a job; we need to be doing the right thing. I ask you to vote green. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have a good attendance record; I haven't missed a day in my first session in this Legislature. But I wish I'd stayed home today, because I have said to a number of people that I really wasn't going to enjoy this job when it became a matter of party before people, and that's what I think is happening right here and right now, and I hope we can turn that around in this next vote. Thank you.

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

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a horrible budget, and I voted against it in committee because it's a bad budget. Now it boils down to we're given a choice: either we vote for a gas tax, pick the people's pocket of the State of Maine one more time, or we let our roads fall to pieces. And the tax proposals we've seen, we started out at \$100 million and then we went to \$80 million and then down to \$40 million, and there are other choices and yet we're never allowed to offer those choices. They are ruled out of hand, they are Indefinitely Postponed. This budget breaks a promise we made to the towns and cities of Maine, and if we go home and have raided the maintenance account at the Department of Transportation to create a legacy, and we're given either that choice or a gas tax, we ought to be ashamed of ourselves. I agree with the Representative from Eagle Lake, we need a Transportation budget. But we need something we can live with. This is not a budget we can live with, nor have any of the alternatives been budgets that we can live with. 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. Let me try one more time, one more time. To the Representative from Ripley, Representative Thomas, and to other members of this House, there is no gas tax on this bill. I repeat: there is no gas tax on this item. So for those of you who are voting against this because you thought there was a gas tax, there is none. I hope that it's now clear.

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 think that what we've seen here today goes beyond negotiation and goes to politics with a small "p", and it disappoints me that we've arrived at this status.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Robinson, and wishes to inquire why he is rising.

Representative **ROBINSON**: Point of Order, Madam Speaker. Is it in proper form to question the motivation,

especially a political motion of the members of the House, how they're going to vote?

On **POINT OF ORDER**, Representative **ROBINSON** of Raymond objected to the comments of Representative **BERRY** of Bowdoinham because he was questioning the motives of other members of the House.

The **SPEAKER**: The Chair would remind members that it is not proper to question the motives of any other Representative in their discussion. The Representative from Bowdoinham, Representative Berry, may proceed.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. And I would repeat that I do not believe that we are in a stance of negotiation at this time. We are in a stance of potentially laying off thousands of private sector and public sector workers. The idea of raiding the TransCap Fund puts the safety of our infrastructure in dire jeopardy as well. The safety of our bridges is one of the most of concern to me.

Downriver from here, Madam Speaker, closer to my district, we have a bridge across the Kennebec River. That bridge in Richmond, because of ice jams in the past decades, has multiple times been the cause of flooding in Gardiner and Hallowell; it costs millions of dollars in damage, and an enormous personal inconvenience to the residents of those cities. Since then, in more recent years, we've had Coast Guard ice cutters that come up the Kennebec and pass through that bridge, when that bridge is able to open, to free up the ice in the Kennebec and prevent the ice dams from causing that flooding. At least two times that I know of, Madam Speaker, that bridge has failed in the last two years, and on both of those occasions, not only the automatic system but also the manual system failed to work. The Richmond volunteer fire department had to come out and using trucks and ropes had to pull that bridge closed manually.

A little further upriver in Gardiner, there is a bridge over the Cobbossee Stream, which was recently dismantled. The plan of the workers when they went in to repair that bridge was to take up the deck and lift up the super structure with a crane. After they took up the deck, they realized that the bridge was in fact in such poor condition that they were unable to lift the super structure with a crane. They had to float a barge underneath it. And I don't want to concern the public too much, because it is my hope here today that we will pass a budget and we will protect TransCap and our capital infrastructure plans, but let me just say that the workers were very concerned about what could easily have happened on that bridge.

Madam Speaker, I think that the vote that we take today will end this discussion. And if I were allowed to refer to the actions of the other chamber and debate on this floor, I might point to the roll call that they took last night, 28-5, but I can't do that Madam Speaker, so I won't mention that. I ask that we vote to Recede and Concur and I thank you.

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

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

The **SPEAKER**: The Representative may pose his question. Representative **THIBODEAU**: Simply, how much money is there in this budget for maintenance paving for rural Maine, and how many of miles of pavement will that put down on our rural highways? Thank you.

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 Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Since I've heard a little bit about it, the answer is zero, because there is no tax to pay for it. This bill simply keeps the store open. The chair would suggest to the Representative from Auburn that perhaps he might just look at the law.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not a member of the Transportation Committee, but I do know that the Transportation Committee worked long and hard this session. They brought this body some good solutions for our highways and our bridges. We did not accept them. We do not in this bill have any tax increase. There is nothing in this bill except to keep the department running, to keep pink slips from going out to more state workers. We need to vote to support the Transportation Committee; we need to see that the pink slips do not go out. 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've stood here time and time again and said I would not support taxes. I didn't like the tax reform because it was going to hurt the little guy, you had to pay a sales tax on labor. Now we stand here, we criticized Dirigo, but we take our health insurance and we go home for four months to eight months. They criticized MaineCare. But none of us sacrificed and turned around and give up our money. We take part-time work as we take full-time benefits. Some of us are professionals, some of us are businessmen, and we're worried about the taxpayers but we turn around and we don't say, well, we'll give up our health insurance when we go home to help the taxpayer. We're only part-time workers. But now we turn around and we want to put the state workers out of work, give them a pink slip and put them out in the street. We're here debating people's lives; we ought to all be ashamed of ourselves.

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

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just sent a note to the Clerk asking if it was appropriate to ask a question directed at the committee, and I saw from a nod that yes it is. So my question to those members on the Transportation Committee, who voted to support this budget and the report and are now not supporting it, if you could maybe just enlighten me as to what's happened, because it's difficult for me to understand why we're not passing a transportation budget, not knowing too much of the inside baseball. So I have that question, and I would ask that the Clerk please read the Committee Report.

Representative **DILL** of Cape Elizabeth **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Representative from Cape Elizabeth, Representative Dill has also posed a question through the Chair to any member of the Transportation Committee who may care to respond. The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There is a lot made of this TransCap money. This is money that we're talking about, it comes from the gas tax, it doesn't start until July 1st. As most of you know, our transportation budget is funded

over 71 percent from the gas tax. Gas tax revenues are down. So without, the TransCap is a very good idea, but we just can't afford it. As you heard the Representative from Madison earlier this week, you need to put some of this maintenance paving on the road to prevent a much more costly reconstruction. So, because this budget does not contain any money for the maintenance paving or the MST, and also because it deallocates \$5 million in the second year from all of our communities in the URIP Fund, this is the reason that I cannot support this budget. And I hope there will be something that we can support. There's no doubt that everybody on this side of the room wants a transportation budget. We need to look at a way to take care of local communities and this is not it. Thank you.

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. So far as serving as a legislator, I have never received so many calls and contacts for my constituents with concerns about the lack of safety in our roads and the need to do something about it immediately. A number of people in my district are workers and they are in terror that they will be losing their jobs come Monday. These are people, young men who have children and families to support. I also understand that there is within this bill moneys to support our towns to help them with their roads to the amount of \$5 million. Our towns have been cut over the budget initiatives that we've taken over the last few months, and they cannot sustain one more shortfall.

I want to remind everyone that this also impacts everyone. If you're feeling it's unfair to the taxpayer, as it was said earlier, there is no gas tax in here. But if we let our roads go, the wear and tear on our cars, the cost for people to get their cars repaired, and for particularly our low-income citizens, will be a great burden on them. I encourage everyone to reconsider their vote to support this bill. Thank you.

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

Representative **PEOPLES**: Thank you, Madam Speaker. Madam Speaker, gentle persons of the House. I do believe this is the only budget we have before us right now. Whether you think it's a good budget or a bad budget, it is the budget that we have. Playing Russian roulette with people's livelihoods is really a very, very dangerous thing to do, and I would imagine that there are going to be some headlines in the not terribly distant future, and I think that people would want to come down on the right side of this issue. Thank you.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've never really taken a course in diplomacy, but I have been married long enough to claim a master's or a doctorate in it. There are some rules to diplomacy. You respect the other's opinion, whether it's a diversion from yours or not, you respect it and, indefinitely, you do not assign blame. It would be very easy for the other side to say, well, you're closing down DOT because you won't put in money to pave the rural roads. And absolutely, I don't want to see accidents on our bridges because this bill was not passed, but I don't want to see any accidents on our rural roads. I've driven those rural roads just in the past weekend and they'll shake you up. So let's not try to assign blame, and absolutely in diplomacy do not call the other person a name. In my conversations with my wife, let's call them conversations, the minute someone calls someone a name, the conversation stops, diplomacy ends. So I would request that the Ladies and

Gentlemen of the House keep those rules in mind. Thank you.

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

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am not a member of the Transportation Committee; I have been following the progress of this bill. I'm a member of the Business, Research and Economic Development Committee. I feel that our committee has done very many good things to encourage businesses to come to Maine. One of those is to expand the pine tree zones statewide, and to paraphrase our good chair, the Representative from Monmouth, Representative Smith, Maine will be open for business. If we do not pass this bill, I think that we will all wake up with egg on our faces. And to paraphrase another well-known Mainer, we will wake up with eggs on our faces if we can't get here from there. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Madam Speaker, I want to thank you for the clarification that you made a few moments ago about questioning the other side's motives. If you want my vote, the worst way you can go about it is threats and intimidation, and that's what I've been hearing here. I don't respond well to those. When you accuse me of being irresponsible, unwise, contrary to God's will, putting my party before the goodwill of the people, those things don't endear yourself to me. They don't get you my vote. I respond to logic and discussion. This is not a good bill. We can do a lot better. To hear comments about putting the party first is, to me, absolutely ridiculous. The things that I've seen go on here in the last five months is the pot calling the kettle black. So if you want to get a better product, let's negotiate, let's work it out. This is not the solution, we can do better. I'm willing to listen to reason; I'm not willing to listen to intimidation from anybody, no matter how long they've been here. 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. We're told that we need to pass this budget because it's important for our economy. But this is the transportation budget, this isn't the road budget. Transportation includes a lot more than roads, and I'm told we have the third worst freight rail system in the United States, right behind those rail giants of Rhode Island and Hawaii. And when I'm told, when I ask why and what are we doing about it, the Department of Transportation looks at me and they say don't worry, be happy, it's fine. It's not fine, Madam Speaker, and if our economy is going to improve, we have got to improve freight rail. This budget does nothing, nor does it hold the people accountable who have dropped the ball.

The URIP funding, let me try to explain how important that is, and I'm going to try to be as short as I can but this is a complicated issue. We sat down with the towns and we said if you will take these roads back, we won't help you fix them, but if you'll take them back, we'll give you this money, and it was so much every year, and it went on and on, but it never changed. So the towns came back and said, well, this is not a good deal, and the state said, well, no it isn't, the department did, because they want this money to go into capital improvements. So if you will agree, if you towns will agree to make only capital improvements with this money, then we will give a percentage of the budget. This budget breaks that agreement. Now would you do business with someone who doesn't keep their word? I wouldn't, and we're not keeping our word with this budget, and

our towns and cities maintain year-round three times as many miles of roads as the Department of Transportation does, as the state does. That doesn't include the seasonal roads and that doesn't include the state roads that they plow in the wintertime, and they do that with less than 10 percent of a portion of the revenue and we want to take some of that away. That's not fair, it's not right, and that's one of the reasons I'm not voting for this budget.

Another reason I'm not voting for this budget is it doesn't address road maintenance. We're going to come back here in two years and we're going to have a disaster on our hands. If you're going to maintain roads, you've got to keep the water out. And then next time you're traveling on a gravel road, I'd like to have you notice where are the potholes, and what you will find is that the potholes are in those locations where there's water standing beside the road, because the water soaks in and it seeps up and it softens up that road. You'll find potholes also where the road is flat, where the water is not allowed to escape. If you don't keep the water out of the roads you've got potholes, and in paved roads, it's that broken pavement, it's those potholes under the road where the water has soaked up is where you get the broken pavement. Then you've got the issue of freezing and thawing. There is not enough money in this budget to fix those roads and keep the water out, and yet there is enough money in this budget to take \$75 million, \$75 million and send it to a revenue bond, to create a stream for revenue bonds. Those are bonds that we don't vote on and yet we're told you can't touch those bonds because, if you do, you're going to increase the interest rate. The bondholders are not going to want to buy those bonds. But if we really were concerned about the interest rates, we wouldn't be issuing revenue bonds, we'd have general obligation bonds, and we'd save a full half percentage point. And just on the debt that we're going to have at TransCap shortly, \$300 million, we can pave between 35 and 40 miles of road in the interest savings that we'd have. So yes, this is a terrible budget and we're going to have a real mess on our hands, and yes, we're going to have constituents on our doorsteps, and we can avoid it and we can avoid the taxes, but we just need to spend the money that we have more wisely. Please give us that opportunity. Thank you.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

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#### COMMUNICATIONS

The Following Communication: (H.C. 208)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

June 10, 2009

The Honorable Elizabeth H. Mitchell, President of the Senate

The Honorable Hannah M. Pingree, Speaker of the House

124th Maine Legislature

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	71
Unanimous Reports	42
Ought to Pass	3
Ought to Pass as Amended	22
Ought Not to Pass	17
Divided Reports	18
Leave to Withdraw	3
Carry Overs	5
Gubernatorial Nominations	3

Respectfully submitted,  
S/John M. Nutting  
Senate Chair  
S/Wendy Pieh  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 209)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

June 11, 2009  
The Honorable Elizabeth H. Mitchell, President of the Senate  
The Honorable Hannah M. Pingree, Speaker of the House  
124th Maine Legislature  
Augusta, Maine 04333  
Dear President Mitchell and Speaker Pingree:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research & Economic Development during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	99
Unanimous Reports	70
Ought to Pass	7
Ought to Pass as Amended	35
Ought Not to Pass	28
Divided Reports	12
Leave to Withdraw	4
Carry Overs	7
Gubernatorial Nominations	6

Respectfully submitted,  
S/Elizabeth M. Schneider  
Senate Chair  
S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 210)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 10, 2009  
The Honorable Elizabeth H. Mitchell, President of the Senate  
The Honorable Hannah M. Pingree, Speaker of the House  
124th Maine Legislature  
Augusta, Maine 04333  
Dear President Mitchell and Speaker Pingree:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	86
Unanimous Reports	69
Ought to Pass	4
Ought to Pass as Amended	29
Ought Not to Pass	36
Divided Reports	14
Pursuant to Jt. Rule 309	1
Carry Overs	2

Respectfully submitted,  
S/Stanley J. Gerzofsky  
Senate Chair  
S/Anne M. Haskell  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 211)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 10, 2009  
The Honorable Elizabeth H. Mitchell, President of the Senate  
The Honorable Hannah M. Pingree, Speaker of the House  
124th Maine Legislature  
Augusta, Maine 04333  
Dear President Mitchell and Speaker Pingree:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	142
Unanimous Reports	97
Ought to Pass	7
Ought to Pass as Amended	33
Ought Not to Pass	57
Divided Reports	29
Leave to Withdraw	1
Carry Overs	4
Joint Study Orders	3
Gubernatorial Nominations	8

Respectfully submitted,  
S/Justin L. Alford  
Senate Chair  
S/Patricia B. Sutherland  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 212)

**STATE OF MAINE**

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

June 11, 2009

The Honorable Elizabeth H. Mitchell, President of the Senate

The Honorable Hannah M. Pingree, Speaker of the House

124th Maine Legislature

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health & Human Services during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	148
Unanimous Reports	117
Ought to Pass	14
Ought to Pass as Amended	40
Ought Not to Pass	63
Divided Reports	19
Leave to Withdraw	1
Committee Bill (Joint Order)	1
Carry Overs	10

Respectfully submitted,  
S/Joseph C. Brannigan  
Senate Chair  
S/Anne C. Perry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 213)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 10, 2009

The Honorable Elizabeth H. Mitchell, President of the Senate

The Honorable Hannah M. Pingree, Speaker of the House

124th Maine Legislature

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers 73

Unanimous Reports	50
Ought to Pass	2
Ought to Pass as Amended	22
Ought Not to Pass	26

Divided Reports 19

Leave to Withdraw	1
Carry Overs	1
Gubernatorial Nominations	2

Respectfully submitted,

S/Bruce S. Bryant  
Senate Chair  
S/Herbert E. Clark  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 214)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

June 11, 2009

The Honorable Elizabeth H. Mitchell, President of the Senate

The Honorable Hannah M. Pingree, Speaker of the House

124th Maine Legislature

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers 73

Unanimous Reports	52
Ought to Pass	4
Ought to Pass as Amended	23
Ought Not to Pass	25

Divided Reports 14

Leave to Withdraw	1
Carry Overs	6

Respectfully submitted,

S/Peter B. Bowman  
Senate Chair  
S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**



The Following Communication: (H.C. 215)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON LABOR**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	66
Unanimous Reports	45
Ought to Pass	6
Ought to Pass as Amended	23
Ought Not to Pass	16
Divided Reports	6
Leave to Withdraw	3
Carry Overs	4
Gubernatorial Nominations	8

Respectfully submitted,  
S/Troy D. Jackson  
Senate Chair  
S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 216)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	128
Unanimous Reports	84
Ought to Pass	1
Ought to Pass as Amended	34
Ought Not to Pass	49
Divided Reports	31
Leave to Withdraw	4
Committee Bill (Joint Order)	1
Carry Overs	8

Respectfully submitted,  
S/Nancy B. Sullivan  
Senate Chair  
S/Pamela Jabar Trinward  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 217)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	30
Unanimous Reports	17
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	6
Divided Reports	5
Committee Bill (Joint Order)	1
Carry Overs	2
Gubernatorial Nominations	5

Respectfully submitted,  
S/Dennis S. Damon  
Senate Chair  
S/Leila J. Percy  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 218)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

LEGISLATIVE RECORD - HOUSE, June 12, 2009

Total Number of Bills and Papers	70
Unanimous Reports	48
Ought to Pass	2
Ought to Pass as Amended	21
Ought Not to Pass	25
Divided Reports	17
Leave to Withdraw	1
Carry Overs	2
Gubernatorial Nominations	2

Respectfully submitted,  
S/Seth A. Goodall  
Senate Chair  
S/Robert S. Duchesne  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 219)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	82
Unanimous Reports	50
Ought to Pass	5
Ought to Pass as Amended	19
Ought Not to Pass	26
Divided Reports	29
Carry Overs	1
Gubernatorial Nominations	2

Respectfully submitted,  
S/Deborah L. Simpson  
Senate Chair  
S/Stephen R. Beaudette  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 220)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON TAXATION**

June 11, 2009

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

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	124
Unanimous Reports	91
Ought to Pass	2
Ought to Pass as Amended	26
Ought Not to Pass	63
Divided Reports	20
Leave to Withdraw	1
Carry Overs	12

Respectfully submitted,  
S/Joseph C. Perry  
Senate Chair  
S/Thomas R. Watson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 221)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	104
Unanimous Reports	78
Ought to Pass	13
Ought to Pass as Amended	25
Ought Not to Pass	40
Divided Reports	22
Leave to Withdraw	2
Gubernatorial Nominations	2

Respectfully submitted,  
S/Dennis S. Damon  
Senate Chair  
S/Edward J. Mazurek  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 222)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		71
Unanimous Reports		63
Ought to Pass	7	
Ought to Pass as Amended	38	
Ought Not to Pass	18	
Divided Reports		4
Carry Overs		4

Respectfully submitted,

S/Barry J. Hobbins  
Senate Chair  
S/Jon Hinck  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 223)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
JOINT SELECT COMMITTEE ON MAINE'S ENERGY FUTURE**

June 11, 2009

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

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Select Committee on Maine's Energy Future during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		13
Unanimous Reports		10
Ought to Pass as Amended	1	
Ought Not to Pass	9	
Committee Bill (Joint Order) (1 Divided)		3

Respectfully submitted,

S/Philip L. Bartlett, II  
Senate Chair

S/John L. Martin  
House Chair

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 29)

ORDERED, that Representative Herbert Adams of Portland be excused June 8 and 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative H. David Cotta of China be excused June 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused June 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jayne Crosby Giles of Belfast be excused June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused June 3, 4, 5, 8 and 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Everett W. McLeod, Sr. of Lee be excused June 1 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused June 1 for personal reasons and June 8 and 9 for Legislative Business.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Edward A. Charbonneau IV, of Yarmouth, who is leaving the Maine State Legislature's Office of the Revisor of Statutes after more than 15 years of dedicated service, including more than 16 regular legislative sessions and several special sessions, from the 116th to the 124th Legislatures. Mr. Charbonneau started on February 14, 1994 as a legislative attorney, bringing with him both federal and state legal experience, and devoted himself wholeheartedly to his new job providing impartial, nonpartisan and expert assistance to the Legislature in drafting legislative instruments and maintaining the statutes. In 1999, he became Senior Attorney in the office, expanding his duties to include managing the publication of the Laws of Maine and serving as the Revisor's webmaster and computer expert. In an office that has by its nature unpredictable, long and grueling work schedules, requiring many hours away from home, Mr. Charbonneau always kept his sense of humor and maintained an exemplary work ethic. He earned the respect and affection of all who worked with him. Mr. Charbonneau contributed time and effort beyond the call of duty and willingly took on extra responsibilities in the office, while contributing to his community by serving on the Town of Yarmouth Zoning Board of Appeals and coaching youth sports. We take this opportunity to acknowledge and thank Mr. Charbonneau for his more than 15 years of selfless commitment and loyal service to the Legislature as he leaves the Office of the Revisor of Statutes to continue to work for the people of the State of Maine in another branch of government, and we send him our best wishes for his future endeavors;

(HLS 531)

Presented by Speaker PINGREE of North Haven.

Cosponsored by Senator DAVIS of Cumberland, Representative WALSH INNES of Yarmouth, President MITCHELL of Kennebec,

Senator MARRACHÉ of Kennebec, Senator BARTLETT of Cumberland, Senator RAYE of Washington, Senator COURTNEY of York, Representative PIOTTI of Unity, Representative BERRY of Bowdoinham, Representative TARDY of Newport, Representative CURTIS of Madison.

On **OBJECTION** of Representative BERRY of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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 a great loss to this Legislature and to our entire nonpartisan staff that Ed is moving on to another position. I want to take this opportunity to recognize his immense contributions to all of us here that have served in this Legislature, both this session and in the past, and more generally to praise the incredible service of our nonpartisan staff and of the Revisor's Office staff, in particular.

The discussion that we had a moment ago that took a rather partisan tone has not marked this Legislature so far, and I think we all appreciate that and regret, in many respects, the fact that it has come to this, but I trust that we will soon move on, and if we do, it will be thanks to, in large part to the efforts of folks downstairs and folks in the back offices of this building, who are less visible in the public eye but who really do make this institution work for the people of Maine.

My committee chair in the previous session, the Representative from South Portland, Representative Bliss, every time that we opened up a work session or public hearing, introduced our committee analysts and our committee clerk by saying that, as usual, the people who do the most work in this place receive the least recognition, and I think that is a very fitting statement about Ed, about the folks in the Revisor's Office and about our nonpartisan staff in general. I know that many of us, if not all of us, have sat with Ed in his office as he patiently worked us through one of our great ideas that, without his help, might never have come to fruition and to a vote of approval on the floor of this chamber and down the hall and on the Chief Executive's desk as well. So I want to thank him for his efforts. I want to congratulate him on his next steps and on the great future that surely lies ahead of him, and again, thank the entire nonpartisan staff that he's worked with. Thank you, Madam Speaker.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I also want to say a few words about Ed Charbonneau and his work here. We are a citizen Legislature, and it's truly amazing how you can have a constituent come to you with an idea, or perhaps you're thinking late at night about something that needs to be fixed here in the State of Maine, and you can walk down to the Revisor's Office and, up until now, for the last more than 10 years, I guess 14 or 15 years, you could go into Ed Charbonneau's office and say, hey, I have this idea, and he can turn it in to a piece of legislation and a really good piece of legislation. I think we don't realize quite how good our Revisor's Office is and the people who work there, and particularly Ed, as one of the top attorneys in the office. I have the experience in my job outside of the Legislature working with legislators from other states and you would be amazed at some of the legislation that gets drafted in other states that goes on and on and one with paragraphs that are one sentence long and 25 pages with the whereas clauses, it's very difficult to figure out what the heck it's even saying. We have an incredibly well run and well thought out legislative process here that, in my experience, is superior to what you see in many, many

states, including many states that have professional, full-time Legislatures. I have actually had people say to me, who look at Maine legislation, you know, your legislation is so clearly written, and we don't always agree on the ideas that go into that legislation, but the process of what comes out of this Legislature and the form of it and the clarity of it and the good legal work which, as an attorney, I certainly appreciate, is really exceptional. I just want to give tribute to Ed, in particular, and to the office that he works in and that he's one of the lead attorneys for, for their work in support of this Legislature. It's truly fantastic, and I wish Ed all the best as he goes forward in doing something different in the future. Thank you.

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. Ed is one of our guardian angels, as are all the people who work in that office, led by the queen of guardian angels, Meg Matheson. And Ed, I know that that family down there is going to miss you so very deeply, and I did promise I wouldn't sing a song. I wrote one for him, but he begged me not to sing it. So Ed, best, best wishes.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I had the good fortune to work in that office for about five years as assistant director of, then it was called, Legislative Research, now it's the Revisor's Office. It is an interesting task. It's extremely difficult for that office, which drafts legislation for us all, to remain nonpartisan and that office has done an excellent job in doing that. It's a task which demands great precision and long hours and it's often unappreciated. Ed Charbonneau has done an excellent job in that office. I know the work and the pain that he must have gone through during his many years there, and he's done it very well. I know we all wish him well on his new responsibilities. Thank you.

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

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**In Memory of:**

William (Bill) E. Reed, of Woolwich, a prominent member of his community. Mr. Reed was born in Bath and graduated from Morse High School in 1960, from Maine Central Institute in 1961 and from Husson College with a bachelor of science in business administration in 1965. After graduating from college, he was an Esso sales representative in New Hampshire before he returned to Maine to join the family business, Bert's Esso Servicenter and Oil Service. Eventually he became the sole proprietor of the business and expanded the business into Bath Bus Service, Bert's Oil Service Inc., and Bert's Exxon (currently Irving) Servicenter. Mr. Reed was a member of the First Federal Savings and Loan board of directors. He previously served as president of the Bath Lions Club, was a member of the board of deacons of the Bath United Church of Christ and the Bath Area Family YMCA board of directors. He was a lifetime member of the Bath Elks Club and previously served on the advisory board of the Salvation Army in Bath. Mr. Reed was a member of the Maine Maritime Museum, the Chocolate Church Arts Center, the Bath Area Senior Center, the West Bath Historical Society, the Georgetown Historical Society, the Woolwich Historical Society and the Rusty Nuts Car Club. The Bath Rotary Club named him a Paul Harris Fellow. Among his many awards were the Morse High School Mainsail Award and the Civilian Recognition Award

from the Maine Chiefs of Police Association. He will be greatly missed and long remembered by his loving family, his friends and the community that he served so faithfully;

(HLS 530)

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

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

**READ.**

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

Representative **PERCY**: Thank you, Madam Speaker. As you can tell, everyone, we're all a little cross-eyed trying to figure out when to stand up or when to sit down in this place, and we're almost there. Bill Reed was born and raised in Bath, he continued his family's business in Bath, and he was involved, as you can see from the special sentiment, with every aspect of community in the City of Bath. It is with great sadness that we stop and think about Bill. He was very ill, he had enormous support from the community through his illness, and I would love to have the Legislature send out their best wishes and warm wishes to the family down in the mid-coast region. Thank you, Madam Speaker.

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. When you hear somebody say it takes a village, you think of a man like Bill Reed. His bus service was always available; the high school football team just ran it somewhere. They'd wake him up, crank up a driver, take his bus off. He was a member and an advisor to virtually every charitable organization and service organization in the city and in the mid-coast region. Bill's name was synonymous with service and community. His service station, as a matter of fact, is one of only two within 10, 15 miles that will come out and pump an elderly person's gas and clean a windshield and actually check oil still. The City of Bath and the surrounding area will miss Bill Reed. He was a great man, and we mourn his passing. Thank you.

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

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

**UNFINISHED BUSINESS**

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

SENATE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (S-270)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (S-271)** - Report "C" (1) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Bottle Redemption and To Establish the Department of Agriculture, Food and Rural Resources as the Agent in the State for the Purposes of Bottle Redemption"

(S.P. 139) (L.D. 397)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)**.

TABLED - June 2, 2009 (Till Later Today) by Representative SMITH of Monmouth.

**PENDING - ACCEPTANCE OF ANY REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-270)** was **READ** by the Clerk.

Representative HUNT of Buxton **PRESENTED House Amendment "C" (H-564)** to **Committee Amendment "A" (S-270)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment is about compromise, a hallmark of our country. When two parties cannot agree, it is important that we create a solution that is fair to all, not just some. This amendment raises the handling fee a 1/2¢ for redemption centers, a raise of 14 percent, one of the highest in the nation. We're putting it on par with Vermont at 4¢. There will also be a cap on redemption centers, because one of the things we found that every time there was a raise on the handling fee is that new redemption centers would open up and the critical mass of bottles needed to maintain a sustainable redemption center was compromised. This is something that's both, both for the distributors and also for the redemption centers. Thirdly, there is a cap on bottles, of 2,500 bottles, and where you will need to provide information to cut down on fraud in the state, especially in more of our border areas, where people come over from New Hampshire and redeem their bottles here in the state and that not paying for the deposit system.

This is something that's good for everyone. I would stand here to represent all Maine people, not just redemption centers and not just the distributors. This amendment is about finding a middle ground. Thank you, Madam Speaker.

Representative CASAVANT of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-564)** to **Committee Amendment "A" (S-270)**.

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 Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I believe that the 1/2¢ increase is not going to be effective in solving the problems of redemption centers. Now you could argue this philosophically, depending on where you're coming from, and you can probably provide a rational explanation for both sides. But when I look at the number of closings in various districts and I look at what I saw in viewing the work done by various redemption centers, I quickly came to the conclusion that there was something wrong in the picture, that they couldn't make ends meet. Now when I talk to some bottlers and distributors, they indicated that, well, that's probably inefficiency, that they weren't working to their full capacity or whatever, and I didn't find that. Oh, I'm sure that maybe in some situations that's true, but I didn't find that in where I looked or toured. I started doing this a couple of years ago, and what I discovered is this: that the people who own the redemption work incredibly hard, they do work that's not exactly clean, they're doing something for the good of our environment, and not only that, but they have to do enormous amounts of paperwork to process all the bottles. I mean, I never really knew until I got into this that a bottle, when you purchase a bottle in the store, it has to be tracked from the time that it's bought to the time it's redeemed, because you have to account for the deposit. So it's labor intensive. The half penny tax is not

going to do that. Now distributors have also told me, well, if we put the full penny in, that's going to be a tax on the consumers. I had to scratch my head at that. A tax? The State of Maine's not going to get any of this money. How can it be a tax? It's a cost of doing business. If a bottler has an increase in sugar prices, what happens? The consumer inevitably pays. The redemption centers themselves cannot control what they charge, it sticks by this Legislature, we grant the rates.

Now supporters of the current amendment would suggest that, well, five years ago there was a half penny granted, part of the commingling agreement, but to understand the complexity of this issue. And I applaud the work of the BRED Committee. I mean, I know this is emotional, I know it's hardworking, but it's so fuzzy. The people that I talked to, for example, said that, oh, there was a half cent given, but it only accounted for 5 percent of the bottles that we took in. Now the committee has argued that, no, that's not true, that it's 30 percent. My point is where do we find the truth in those numbers? There's a lot of fuzziness and, again, unfortunately that's something that you're going to have to decide.

The amendment that has been offered is problematic for those that own the redemption centers, and let me explain why. First, inflationary costs. If you assume that they haven't had a raise in 20 years, or even if you assume they haven't had a raise in five years, depending on what your standpoint is, you've got to understand the price of doing business has gone up. It's eaten away at that half penny. The plastic bags, it's clearly put in this particular amendment that the redemption dealers have to purchase the plastic bags. They would hope that that would be negotiated because plastic is based on what? Petroleum. The cost is escalating for that, so again, that would automatically eat away at the profits. The date of implementation of the amendment, March 1, 2010, if it would pass, they would say, well, why can't it be like every other law in October? So they'd wonder about that because, again, it puts them behind the curve. Lastly, in many of your districts, and again, I understand some of you have no redemption centers at all, but in many of your districts, when a new business comes into being, they often offer extra money to try to lure people to their business at the beginning. So in other words, for a 5¢ deposit, they will offer 6¢. Inevitably, that kills some body, it destroys one business, and so they would like something in the law to offset that.

I guess my last point is this: There are some good things in the amendment that is offered by the good Representative from Buxton. I can't argue that. But I suggest that we can do better. And also, remember it's a cost of doing business. That's all it is. It is not a tax whatsoever, but it is something to help out the small business owner who looks to us for some sort of guidance and help in a marketplace and economy that is really undercutting them. 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. Of all the phone calls and emails I've received, no one complained about a half a penny. They can all accept that, but not the penny. So I want to make sure when I vote this morning, I'm voting for a half a penny and not a penny. 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. The bottle bill is an extremely complex issue with many, many details, one that recurs every legislative session. A 1/2¢ is an increase that all five involved have agreed to and a raise in these

economic times and with the hard work of the BRED Committee can come to fruition. This compromise is the result of many, many days of negotiating, communicating, listening and acting to find a solution, and the majority of the BRED Committee has done this. And I ask the Men and Women of the House to recognize their committee's incredibly hard work together, both sides of the aisle, and above all this is about compromise. So please support this amendment as I will be doing and follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Running a redemption center is no doubt a difficult job, nobody is arguing that point whatsoever. It's a dirty job, many times a thankless job, but let's look at the facts: Maine has 811 redemption centers; Connecticut has 19. Maine has a 4 percent handling fee, if this is passed; Massachusetts has 2 1/4¢; Delaware has a penny. Maine has one of the most generous redemption systems in the nation.

When it comes to cost of the bags that was mentioned before, I talked to my local redemption center and he pays for the bags right now, and the cost of the bags would be determined by the Agricultural Committee, the Department of Ag. They will do some rulemaking on who will pay what for the bags. So it most likely will come out in favor of the redemption centers. They'll only pay half of what they were paying before. This is all about compromise. We were posed of the positions of distributors wanting zero cents and redemption centers wanting a penny. This is the happy medium. Thank you.

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'm not going to add a lot to the debate, but I did want to thank the good Representative Hunt for his work on this, and Representative Casavant for bringing forward just more discussion on it. But I just did want to point out in terms of, on a percentage basis, the proposed increase in the amendment before us is a 17 percent increase in what they're receiving now and the 1 percent one, which has been discussed, would be a 33 percent increase. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-564) to Committee Amendment "A" (S-270). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 240**

YEA - Austin, Ayotte, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Bryant, Burns, Butterfield, Cain, Campbell, Cebra, Celli, Chase, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Cray, Crockett J, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Flaherty, Flemings, Fletcher, Flood, Fossel, Giles, Goode, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Kaenrath, Kent, Knapp, Knight, Kruger, Langley, Lewin, MacDonald, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Sanborn, Sarty, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Tilton, Treat, Valentino, Van Wie, Wagner J, Watson, Weaver, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Adams, Beaudoin, Boland, Briggs, Casavant, Clark H, Connor, Crafts, Crockett P, Eaton, Finch, Fitts, Gilbert,

Innes Walsh, Johnson, Jones, Lajoie, Legg, Lovejoy, Magnan, Martin JL, McFadden, McKane, McLeod, Russell, Saviello, Schatz, Shaw, Sirois, Theriault, Thibodeau, Thomas, Trinward, Tuttle, Wagner R, Wheeler.

ABSENT - Beaudette, Browne W, Carey, Curtis, Cushing, Gifford, Harlow, Joy, Rosen.

Yes, 106; No, 36; Absent, 9; Excused, 0.

106 having voted in the affirmative and 36 voted in the negative, with 9 being absent, and accordingly **House Amendment "C" (H-564) to Committee Amendment "A" (S-270) was ADOPTED.**

**Committee Amendment "A" (S-270) as Amended by House Amendment "C" (H-564) 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" (S-270) as Amended by House Amendment "C" (H-564) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Bill "An Act Regarding Saltwater Recreational Fishing"

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

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

- In Senate, Bill and accompanying papers **COMMITTED** to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE.**

TABLED - June 11, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION.**

Representative PINGREE of North Haven moved that the House **RECEDE AND CONCUR.**

Representative McKANE of Newcastle **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 Newcastle, Representative McKane.

Representative **McKANE:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Yesterday members of the Joint Standing Committee on Marine Resources were told that this bill was dead and would be left on the table to die a quiet death. It turns out it's not dead, it's coming back. Today we're told that it will be recommitted. A few days ago, this body voted 96-45 to kill this saltwater fishing license. This Recede and Concur motion is in direct opposition to that vote. We voted against it because our constituents abhor the idea of a saltwater fishing license. We also voted against it because it's completely unnecessary. A registry, if even that.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy, and inquires as to why the Representative rises.

Representative **PERCY:** Point of Order, Madam Speaker. Regarding the motion before us, it is to Recede and Concur, it is not to debate the issue of the bill. Thank you.

On **POINT OF ORDER,** Representative PERCY of Phippsburg asked the Chair if the remarks of Representative McKANE of Newcastle were germane to the pending question.

The SPEAKER: The Chair would remind the House that the motion before us is to Recede and Concur with the Senate motion to Commit back to the committee. So the debate now is whether or not the bill should go back to committee.

The Chair reminded Representative McKANE of Newcastle to stay as close as possible to the pending question.

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

Representative **McKANE:** I thank the Representative from Phippsburg for keeping me on track. I don't believe we need to knuckle under the whims of the Senate. This came from the Senate with the Commit to poise this back to the committee.

The SPEAKER: The Chair would remind the member that we refer to them as the other body.

The Chair advised Representative McKANE of Newcastle that it is inappropriate to refer to the other body as the Senate.

Representative **McKANE:** Down at the other end of the hall, the other body, to poise this back to the committee. We in this body said no the first time this came up, I thought we meant it. It's disturbing that we would even consider that, a bill so completely unnecessary and so offensive to our constituents.

Something else: Two years ago, we were told that we had to implement a saltwater fishing license. This is a saltwater fishing license. I believe what I am saying is germane to this motion to Recede and Concur. Or the feds would do the saltwater fishing license and they would get to keep all the revenue, that was the big scare tactic. Well, we found out that that wasn't true. We found out that a license isn't necessary, that only a registry.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy, and inquires as to why the Representative rises.

Representative **PERCY:** Point of Order for the same reason as before, Madam Speaker. This is not about the bill before us, it's about the recommitment. Thank you.

On **POINT OF ORDER,** Representative PERCY of Phippsburg asked the Chair if the remarks of Representative McKANE of Newcastle were germane to the pending question.

The SPEAKER: The Chair would just remind members that we are debating the motion to Recommit, which does include some merits of the bill but not the full debate of the bill.

The Chair reminded Representative McKANE of Newcastle to stay as close as possible to the pending question.

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

Representative **McKANE:** It's beginning to look like a saltwater fishing license, I think that's what it says on the board, is not necessary, nor is a registry, nor is the registry as we've been told, which is included in this fishing license. It's looking like the only thing written in statute is the only people that have to be registered for saltwater fishing are those who fish outside the three mile limit or fish in state waters for anadromous species. Madam Speaker, I encourage this body to stand by their original vote, represent your constituents and defeat this motion. 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. As a member of the Marine Resources Committee, I urge all members of the House to please vote against the Recede and Concur motion. 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. I just want to

remind everyone here that the motion before us is purely a procedural one, and it has nothing to do in that sense with the merits of the bill and certainly our previous action was not on this motion. We accepted a report; it has come back in non-concurrence. All that we have in front of us is a procedural motion. If we Recede and Concur, we will be committing back to the Committee on Marine Resources for further discussion, which I suspect, Madam Speaker, would occur regardless. So I would encourage everyone to simply support the motion, strictly procedural, and move on to the other business before us. Thank you, Madam Speaker.

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. 241**

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Giles, Greeley, Hamper, Harvell, Johnson, Kaenrath, Knapp, Knight, Langley, Legg, Lewin, Lovejoy, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Strang Burgess, Tardy, Thibodeau, Thomas, Tilton, Weaver, Wheeler.

ABSENT - Beaudette, Browne W, Cain, Carey, Curtis, Cushing, Gifford, Harlow, Hayes, Hogan, Joy, Peoples, Piotti, Rosen, Sykes, Theriault.

Yes, 78; No, 57; Absent, 16; Excused, 0.

78 having voted in the affirmative and 57 voted in the negative, with 16 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Joint Order To Recall L.D. 308 from the Governor's Desk to the House

(H.P. 1052)

TABLED - June 11, 2009 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **PASSAGE**.

Subsequently, the Joint Order was **PASSED**. Sent for concurrence.

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

An Act To Raise the Property Tax Exemption for Veterans

(H.P. 60) (L.D. 71)

**PASSED TO BE ENACTED** in the House on June 3, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Fund the Maine Downtown Center

(H.P. 75) (L.D. 91)

**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-91)**)

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

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

**Non-Concurrent Matter**

An Act To Include Independent Practice Dental Hygienists in MaineCare

(H.P. 187) (L.D. 233)

**PASSED TO BE ENACTED** in the House on May 7, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Encourage Veterinary Practice in Maine

(S.P. 116) (L.D. 352)

**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-258)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Improve Tribal-State Relations

(H.P. 333) (L.D. 445)

**PASSED TO BE ENACTED** in the House on June 5, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Remove the Sales Tax on Certain Watercraft

(H.P. 473) (L.D. 659)

**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-398)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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



**Non-Concurrent Matter**

An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan

(H.P. 484) (L.D. 701)

**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-250)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

(S.P. 305) (L.D. 791)

**PASSED TO BE ENACTED** in the House on May 29, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-193)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities

(S.P. 481) (L.D. 1335)

**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-150)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Expand Tax Incentives for Visual Media Productions

(H.P. 1005) (L.D. 1449)

**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-554)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

(H.P. 1019) (L.D. 1464)

**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-364)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

**SENATE PAPERS**

Bill "An Act To Clarify the Rights of Bondholders and Noteholders in the Event a School Administrative Unit with Outstanding Bonds or Notes Is Dissolved or Is No Longer Authorized by Law"

(S.P. 572) (L.D. 1493)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-346)**.

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

**Senate Amendment "A" (S-346)** was **READ** by the Clerk and **ADOPTED**.

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 as Amended by Senate Amendment "A" (S-346)** in concurrence.

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

**Non-Concurrent Matter**

Resolve, To Review Changing the Duties of the State Board of Education (EMERGENCY)

(H.P. 900) (L.D. 1297)

(C. "A" H-478)

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

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478) AS AMENDED BY SENATE AMENDMENT "B" (S-339)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS**

**Resolves**

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

(S.P. 283) (L.D. 736)

(H. "B" H-575 to C. "A" S-60)

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 **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.

**ROLL CALL NO. 242**

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cray, Crockett J, Crockett P, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves,

Finch, Flaherty, Flemings, Fletcher, Flood, Gilbert, Giles, Goode, Greeley, Harvell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Langley, Legg, Lovejoy, MacDonald, Martin JL, McCabe, McFadden, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pratt, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Cebra, Celli, Chase, Cotta, Crafts, Davis, Fitts, Fossil, Hamper, Johnson, Knapp, Knight, Lewin, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Prescott, Richardson W, Robinson, Sarty, Thomas, Tilton, Weaver.

ABSENT - Beaudette, Browne W, Curtis, Gifford, Hanley, Harlow, Haskell, Joy, Lajoie, Magnan, Martin JR, Mazurek, Piotti, Plummer, Rosen, Smith, Sykes, Wheeler.

Yes, 104; No, 29; Absent, 18; Excused, 0.

104 having voted in the affirmative and 29 voted in the negative, with 18 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**SENATE PAPERS  
Non-Concurrent Matter**

Bill "An Act To Provide Free Admission to State Parks to All Maine Veterans" (EMERGENCY)

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572)** in the House on June 11, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) AS AMENDED BY SENATE AMENDMENT "A" (S-340)** thereto in **NON-CONCURRENCE**.

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

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

Representative **GILES**: Thank you. If I had been present for Roll Call No. 215 on LD 1485, I would have voted yea. If I had been present for Roll Call No. 214 on LD 1418, I would have voted yea. If I had been present for Roll Call No. 216 on LD 536, I would have also voted yea. Thank you.

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

The House recessed until 12:30 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  
Emergency Measure**

An Act To Clarify the Rights of Bondholders and Noteholders in the Event a School Administrative Unit with Outstanding Bonds or Notes Is Dissolved or Is No Longer Authorized by Law

(S.P. 572) (L.D. 1493)  
(S. "A" S-346)

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. 125 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 Review Changing the Duties of the State Board of Education

(H.P. 900) (L.D. 1297)  
(S. "B" S-339 to C. "A" H-478)

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

**COMMUNICATIONS**

The Following Communication: (S.C. 407)

**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 insisted and joined in the Committee of Conference on Bill "An Act To Clarify the Role of the Public Advocate" (H.P. 657) (L.D. 954).

Please be advised the President has appointed the following conferees on the part of the Senate:

Senator HOBBS of York

Senator BOWMAN of York

Senator SHERMAN of Aroostook

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 426)

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

June 12, 2009

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

With reference to 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), please be advised that President Mitchell has temporarily rescinded her appointment of Senator Roger Sherman of Aroostook and have replaced him with Senator Douglas Smith of Piscataquis until further notice.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ENACTORS  
Emergency Measure**

An Act To Provide Free Admission to State Parks to All Maine Veterans

(H.P. 1043) (L.D. 1488)  
(S. "A" S-340 to C. "A" H-572)

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. 119 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.

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

**CONSENT CALENDAR  
First Day**

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

(H.P. 1028) (L.D. 1475) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-579)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** 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.

Bill "An Act To Repeal the School District Consolidation Laws"

(I.B. 4) (L.D. 977)

- In House, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** on June 3, 2009.

- In Senate, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)** in **NON-CONCURRENCE.**

**TABLED** - June 5, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

**PENDING - FURTHER CONSIDERATION.**

Representative SUTHERLAND of Chapman moved that the House **INSIST.**

Representative TARDY of Newport **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:** The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD:** Thank you, Madam Speaker. I stand in opposition to the motion on the floor to Insist, because I think the House ought to have an opportunity to debate this issue and take another vote on it. Thank you, Madam Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Boothbay. I think at this point the cards are on the table, the money is there. All we have to do is play out the hand.

Representative **MACDONALD** of Boothbay moved that the House **RECEDE AND CONCUR.**

Representative **DILL** of Cape Elizabeth **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:** 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. 243**

**YEA** - Austin, Ayotte, Berry, Boland, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gilbert, Greeley, Hamper, Harvell, Innes Walsh, Johnson, Knapp, Kruger, Langley, Lewin, MacDonald, Martin JL, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Weaver, Welsh, Willette, Madam Speaker.

**NAY** - Adams, Beaudoin, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Eberle, Eves, Flaherty, Flood, Giles, Goode, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Jones, Kent, Knight, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Piotti, Plummer, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Treat, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Wheeler, Wright.

**ABSENT** - Beaudette, Cohen, Gifford, Hanley, Harlow, Joy, Kaenrath, Rosen.

Yes, 66; No, 77; Absent, 8; Excused, 0.

66 having voted in the affirmative and 77 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

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. As the body will recall, our last vote on this subject resulted in a defeat for the effort to repeal school consolidation. If we Insist then we will have upheld that vote. I'm in the hopes that we will not Insist and

that we will have an additional chance to take a vote and to, I hope, change the vote of the body on this matter.

My own reasons for doing this, we do believe obviously that the Executive may well have an action to take on this that would be contrary to what many members in this body want, but I would just remind members that we are dealing with a process that was initiated back in 2006, I believe, in a very closed process without the involvement of all the stakeholders. Eventually, yes it was opened up to the House, but we saw this item appear in a Chief Executive's budget in January 2007, much to the surprise of everyone, and I think much to the bad policy results that took place came from the way this was initiated. It was supposed to save money. I don't think that the money has been saved. And, by the way, I do think, I would take issue with those who say this bill has all been about money, as if that were not important in the educational important. It is important in the educational world. It is important in the educational world and we do need to save money, we do need to be efficient, but this bill is not the process by which it should be done. In fact I think demonstrably money has not been saved. And, furthermore, I believe the public has been angered by the way in which this has transpired and we have essentially torn the body politic of our local communities apart by the way in which this was done, by the changes that it is forcing on people in our local communities.

Finally, I would say this, that even if this were just about money, the research, all of the work that's been done to discover whether or not consolidation saves money, is very mixed. There is no solid evidence that school consolidation itself actually saves any money, even if we had done it all the right way. So I believe that we ought to, as in the words of Representative Van Wie last week, repeal and repair. That's what I think we should be doing. I think we ought to take another look at this. I do think that we need another structure in the state that will take a very high administrative cost down to more of a national level. We can't afford what we're doing now. It's just that we've done this the wrong way, we're at the wrong point in this thing. We need to stop, stop and repair this and repeal it and start working again on a better track. That's my strongly held view on this, Madam Speaker. I thank you for allowing me to speak on this. Ladies and Gentlemen of the House, thank you.

The SPEAKER: A roll call having been previously 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. 244**

YEA - Adams, Beaudoin, Beaulieu, Beck, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Eberle, Eves, Flaherty, Flood, Giles, Goode, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Piotti, Plummer, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Tuttle, Valentino, Wagner J, Wagner R, Watson, Webster, Wheeler, Wright.

NAY - Austin, Ayotte, Berry, Bickford, Boland, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gilbert, Greeley, Hamper, Harvell, Innes Walsh, Johnson, Knapp, Knight, Langley, Lewin, MacDonald, Martin JL, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Shaw, Sykes, Tardy, Theriault, Thibodeau,

Thomas, Tilton, Trinward, Van Wie, Weaver, Welsh, Willette, Madam Speaker.

ABSENT - Beaudette, Cohen, Gifford, Hanley, Harlow, Joy, Kaenrath, Rosen.

Yes, 74; No, 69; Absent, 8; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, with 8 being absent, and accordingly the House voted to **INSIST**.

**ENACTORS  
Acts**

An Act To Clarify the Role of the Public Advocate

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

(S. "A" S-260 to C. "A" H-165)

On motion of Representative ADAMS of Portland, 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" (H-165) as Amended by Senate Amendment "A" (S-260)** thereto was **ADOPTED**.

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 **Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)** was **ADOPTED**.

Representative ADAMS of Portland moved that **Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)** be **INDEFINITELY POSTPONED**.

Representative THIBODEAU of Winterport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165)**.

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

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

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would urge you not to vote in favor of the position contrary to my own, because that would thus preclude us from being able to present the House amendment about which we entertained ourselves in conversation yesterday, for which the previous colloquy was conducted with the Speaker. I urge you, and then follow my light. Thank you.

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. Continuing to back this bill up and the Indefinite Postponement of Senate Amendment "A" will put this bill in Non-concurrence, will put us in posture of batting this thing back and forth several more times, and in the end, we won't have fixed it because it's fine the way it is. We have passed it to be Engrossed. Any further efforts to amend it, and I have read the amendment that is proposed and don't feel that it is necessary. I think we've done enough work to

this bill and it's fine the way it is, so I think we should move on. Thank you.

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 to oppose the motion on the floor. I concur with Representative Fitts in that I don't believe that discarding the Senate Amendment would move us any closer to a solution on this. It's a very complicated but subtle issue. We did debate it in committee. I do remind the members of the House that it was a 10-1 vote, I believe, in the committee, if I'm correct. This is a touchy subject and the most important thing in being able to come out of this vote here this afternoon on our last day would be to correct a flaw in public policy, and the flaw is that we have a public servant is to represent the good ratepayers of the state. Currently, that person, whose job is to independently represent the ratepayers of the state, currently serves at the pleasure of the Chief Executive and that creates a conflict. It creates a conflict because members of the committee may not necessarily rely on the Public Advocate to be able to know that they are either representing the ratepayers or representing the Chief Executive and some other agenda. That's the crux of the problem. I don't really love the Senate Amendment, but I think with all the parliamentary maneuvers that are going to go on here, I fear that if we don't support the amendment and keep the amendment and defeat this current motion that we will lose the opportunity to correct that flaw altogether. So for me, with all the other issues aside, the most important thing is that we make good public policy here, and I think that opportunity to have a four year term that's staggered on the opposite cycle of the Chief Executive, where the Public Advocate is not at the pleasure of the Chief Executive but is in a four year term, is the best way out of it. And I think persevering the Senate Amendment, with all respect to my chair, who I believe disagrees with me, that the Senate Amendment is the most efficient way to get us through this and get us to the right place and have a good policy design. Thank you, Madam Speaker and Members of the House.

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

Representative **FLAHERTY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise with only the utmost respect for my seatmate and I want to apologize to him for opposing his motion, because I think of no better teacher and no better seatmate, no better committee member that I could have possibly had this first term other than the good Representative from Portland, Representative Adams. But in deference to this motion, I cannot support him on it because we worked tirelessly in the Utilities and Energy Committee. We worked on a bipartisan basis. I agree and worked with, to many people's surprise, the Representative from Winterport, Representative Thibodeau, and I stand by the work that we accomplished in this committee, the amendment that came from the other amendment, which was agreed to yesterday. And I believe that what we have in front of us and what we have decided yesterday in that the Representative from New Gloucester, Representative Van Wie mentioned, the four years, the term of the Public Advocate, coming and beginning and ending in the middle of each gubernatorial term is by far the best thing for the ratepayers of the State of Maine. It is the Public Advocate's job to be nonpartisan and independent of the Chief Executive, so that they can best represent each one of us and our constituents and all the ratepayers in ensuring that they are looked out for in all the decisions made by the Public Advocate, in front of this body and, specifically, in front of the Committee on

Utilities and Energy. So again, my apologies to my good seatmate, my teacher and my friend, but we cannot indefinitely Postpone this amendment and go back on the work that we have already accomplished and agreed to. Thank you, Madam Speaker.

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 amendment that waits in the wings and might be presentable, depending on how this vote goes, is no different than the amendment that sat upon your desks for several weeks and which would have been presented in the proper context had there been more than a nanosecond when the bill was laid upon the table before us by the presiding officer and a motion made to move immediately on the bill into a posture where only a Committee of Conference could be considered and no other action thereby takable. Now, in that nanosecond, had I had access to the national atomic clock, I might have been able to present a House amendment. Unfortunately, I had only my pocket watch. If I were a Zen master, I could have done it. I am only a Democrat.

In seeking to re-posture the bill so that it may be considered, which is what I believe the debate should be centered about now, that is what I am asking. I will not stray into advocacy on one side or another about the bill itself, as I have refrained from pointing out to my good friends that I believe they have in this debate thus far. I now, as the person who has the floor, have two choices: that is to stick strictly to what I understand as the question at hand or to launch into my understanding of what the bill before us offers us the opportunity to do. In as much as no one called those who spoke before me upon straying into that field, I feel, therefore, the determination has been made that I am encouraged to start speaking about the bill and why I'm presenting the amendment, which, should you see it before you in a hypothetical posture, would have changed the term of office in the bill before you from four years to six, as the bill now proposes.

Currently the Advocate has no set term at all; he serves at the pleasure of the Chief Executive. There has been no abuse, there has been no trouble, there has been no accusation, there has been no difficulty in the 20 some plus years that we have had a Public Advocate serving under those circumstances. In fact, the last Public Advocate served only 20 years in that position. We were blessed that we had a Public Advocate who served under Democratic, Republican and Independent Chief Executives, and was a national leader in his field. He is retired now.

For those of you who do not know, the Public Advocate is responsible for representing the ratepayers, taxpayers and citizens of Maine in all rate cases and proceedings before the Public Utilities Commission, such as when the great utility CMP, Northern Utilities, Maine Public Service, Bangor Hydro, all the water, all the gas, all the ferry services and FairPoint Communications bring rate increase cases, and such that affect you and me and the pocketbooks of us all. The Advocate is the voice and the lawyer and ears and the eyes for all of us who do not have or cannot afford a lawyer in that complex forum, where he must fight lawyers, lobbyists, the three-piece suits cassette and the utility minions every day he walks in the door. And despite them, last year the savings to the Maine public achieved by the Public Advocate totaled \$183 million, the largest amount in Maine history, money back in your pocket and in mine.

Each Public Utilities commissioner is appointed for a six year term, there are three of them. They serve on a staggered term basis. Utility lobbyists have no term limits. Like Mount

Rushmore, death in taxes, they are eternal. It seems to me to make sense that the Advocate should at least serve a term no shorter than some of those three judges of his actions, the Public Utilities' commissioners, and no shorter than at least some of his adversaries. Certainly no shorter than that of the PUC commissioners, before whom he argues, advocates and opposes those big utilities for all our sake. The Advocate deserves no less because we deserve no less.

Had I been able to be in the Utilities Committee when this bill was worked, which I was not because I serve on four committees, and in season, when the Rules Committee is in session, on five simultaneously, this is what I would have advocated for the sake of the person who advocates for us. Now I can't present that to you because, first, we have to get by the motion that is on the floor. I encourage you, if you are interested in hearing the presentation about why that would be a good idea, not to stop the action that we had to take to roll the bill all the way back, to make a simple amendment, I would have been very happy to do some weeks ago had not the trapdoor been dropped out from underneath us. That is what this is about. Thank you, Madam Speaker.

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. Welcome to the Utilities and Energy Committee. You'd be surprised to know we only had four divided reports and this is just one of them. I was tempted earlier to make a Point of Order, but for a couple of reasons, I didn't do that. For one, I've never done it before and I didn't want to start now. I didn't want to start with my good committee members, but no fewer than three of them started addressing something that was not before the body. The third one at least acknowledged that that member was only addressing the matter that wasn't before this body because it had previously been addressed and that suspended the rules somehow.

What's before the body right now is to Indefinitely Postpone Senate Amendment "A". I was also tempted to ask a question to anyone who could answer: Is it all clear to everyone now? I felt that was a rhetorical question and didn't need to be answered at the time. I'm going to support the Indefinite Postponement of Senate Amendment "A". I think it maybe should be abundantly clear to people that this matter would be good to return to the Utilities and Energy Committee and have it worked, and it could end up in posture of unanimity, which is how we've dealt with most matters in that committee. I 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. I promise not be as nearly as entertaining as the previous speakers, but with all due respect to my colleague and friend, Representative Adams from Portland, this amendment that he's proposing would not take effect until 2013. There are three legislative sessions between now and then for him to bring this idea forward in the form of a bill and have it vetted through the committee. We've worked this long and hard enough. It may be a perfectly legitimate idea, but there is no harm to enacting the bill as it currently exists and letting Representative Adams bring this idea forward next year. It will not take effect until the year 2013 is my understanding. So I would never suggest that you follow my light, because it has never worked before, Ladies and Gentlemen, so please try to apply a little bit of your own individual decision-making to this process. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CONNOR**: For any one who would answer, did Senate Amendment "A" go through the committee process?

The SPEAKER: The Representative from Kennebunk, Representative Connor has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The answer to that question, this issue and the issue that has been raised by the Representative from Portland, Representative Adams, were both vetted through the committee process. We discussed all of the various issues. And in deference to the good Representative from Portland, I serve on three committees and I was able to be there, and as much as he wasn't, the issue about terms and how they are situated and whether this bill should affect the current Public Advocate or not, were all part of our long and deliberate discussion, and we did settle on the active date of this bill to be beyond the term. But in the wisdom of the other body, they did this amendment, which does not harm the overall affect of the bill. So I am still opposed to this Indefinite Postponement and feel that we are in just a fine posture to move forward. Thank you.

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. As was noted, the Utilities and Energy Committee was very fortunate this year, and we spent a lot time and ended up with four divided reports. The good news is that when you spend that much time, you generally do and vet the process and come to the better conclusions. I think this particular topic is one of those where we spent a great deal of time, great deal of consideration, tried to think ahead to what the positive result that we wanted to have happen. The whole conversation was done at a very high level, or in other words, we didn't try to find excuses or reasons of what somebody did not do right or could have done better. We were talking about what is good government, what is transparency and what we think the people of Maine deserve. That's why we arrived at the conclusion we arrived at. Now at this late date, I would think it would be much better to move forward with what was thoroughly discussed, thoroughly considered with the best of intentions, rather than let the clock run and we end up with not doing what we all conceptually agree is right. So I would ask that you do not favor changing what we have worked on and let this bill be enacted. Thank you.

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 rise to answer the question from the good Representative from Kennebunk. Again, what's before us is a motion to Indefinitely Postpone Senate Amendment "A". The question was whether Senate Amendment "A" was discussed in committee. The answer to that question is no it was not. Senate Amendment "A" was drafted after this bill came to the House. We have never failed in committee to work things to a better posture. Then this has arrived here because of Senate Amendment "A".

The substance of Senate Amendment "A", I would argue, was never discussed in committee. The question was previously answered with the contrary answer. At that time the answer included information about something that's not before this body. It was again a good posture for a Point of Order. Again, I'm not

inclined to make a Point of Order. If that was before this body, I might agree with the answer on that point. But on the question of Senate Amendment "A", that has not been discussed, and for that reason I think Indefinite Postponement of Senate Amendment "A" is the best way to approach this matter.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As much as I admire and respect my colleague Representative Adams from Portland, I just rise to say that I disagree with his caricature of three-piece suits. Thank you.

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

Representative **FLAHERTY**: Thank you, Madam Speaker. I apologize to the Men and Women of the House for rising a second time, but I will speak directly to this motion and the fact that it may have not have gone through the committee process. But it did go through a Conference of Committee, in which it was 5-1, and came back and we decided that and acted upon this motion yesterday. We are lucky that this particular bill may not take effect in 2013, so if those who wish to reconsider our actions where we passed Senate Amendment "A", then we'll be able to deal with that in future sessions before this really takes effect, in 2013. So again, I would encourage members to oppose this as it is hopefully the final day of our session, and we can move forward with this legislation, finish the debate on this and go home this weekend. Thank you, Madam Speaker.

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

Representative **RUSSELL**: Thank you, Madam Speaker. I've been so far out of this. This seems very contentious over what seems to be a process issue that takes effect four years from now. So if I may, Madam Speaker, I would be very grateful if I could pose a question to the body.

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Madam Speaker. If there is nothing wrong with the current Advocate and things are going on dandy and the last Advocate was here for 20 some odd years, why are we in such a hurry to fix a problem that doesn't seem to exist?

The SPEAKER: The Representative from Portland, Representative Russell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'll try to be as cogent as I can. It gets into the timing of when the change is made. One of the principles that we had was that we wanted the change to go into effect in the midterm of the next Chief Executive's election, so that there would always be an overlap, so that it would not necessarily be viewed as a political appointment. Rather than have it tied to the term of the Chief Executive, the committee felt that it should be offset so there would be an overlap, theoretically, between one Chief Executive and the other, and that next time period would be 2013. Thank you.

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

Representative **VAN WIE**: Thank you, Madam Speaker. If I may take a similar crack at the answer, I'll be perfectly blunt. The Senate Amendment "A", the way it's drafted, would grant the incumbent a four year term starting now, the way I understand it, whereas the original bill presented by the committee would not create a four year term until 2013, leaving the incumbent at the

pleasure of the Chief Executive until then. Meaning that, when we get a new Chief Executive, that new Chief Executive could make a decision whether or not that incumbent stays in its current position until 2013 or not. I think that's the rough, is where we're getting at here. Personally, I prefer the original committee report, which would begin the four year term in 2013 and leaving the incumbent at the pleasure of the Chief Executive for whatever reason. That was what I believe the committee voted on. That was changed in the other body and the Senate Amendment would start that four year term sooner. So that, I think, is where a lot of this comes from.

If I may, Madam Speaker, I think the other amendment that's waiting out there is a six year term. With all due respect to Representative Adams, we did discuss it in general in committee; it's too bad that that wasn't presented in committee, where it could have been fully vetted and debated. I think that he is a man of principle and I understand the principle of the six year term to match the commission, but I really think that has not much to do with the actual debate that we hear about a term. Four years, six years, you can debate until the end of the day. So I would like to, though, make sure that we do the minimally right thing, which is get to a four year term, get that bill in place, and then we can change it or repair it in committee between now and then. And for that reason, I would prefer that we defeat the Indefinite Postponement and move on and keep Senate Amendment "A" and move beyond this bill to other important business. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 245

YEA - Adams, Berry, Blanchard, Boland, Bolduc, Briggs, Bryant, Cain, Campbell, Clark H, Connor, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Flemings, Goode, Haskell, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, Morrison, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Sirois, Smith, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaudoin, Beaulieu, Beck, Bickford, Blodgett, Browne W, Burns, Butterfield, Carey, Casavant, Cebra, Celli, Chase, Clark T, Cleary, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgcomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossel, Gilbert, Giles, Greeley, Hamper, Harvell, Hayes, Hill, Johnson, Jones, Knapp, Knight, Langley, Legg, Lewin, Martin JR, McCabe, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Schatz, Stevens, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Wagner J, Wagner R, Weaver.

ABSENT - Ayotte, Beaudette, Cohen, Gifford, Hanley, Harlow, Joy, Piotti, Rosen.

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

64 having voted in the affirmative and 78 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165) FAILED.**

Subsequently, **Senate Amendment "A" (S-260) was ADOPTED.**



Representative HINCK of Portland **PRESENTED House Amendment "B" (H-568) to Committee Amendment "A" (H-165)**, which was **READ** by the Clerk.

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

Representative HINCK: Thank you, Madam Speaker. I will speak to my motion. This was one of those instances when if the Clerk had read the entire House Amendment "B", it wouldn't have taken very long. I'll outline it in substance. House Amendment "B" adopts a significant part of House Amendment "A", which is what we have here. It removes from that the operant words "the term of the Public Advocate holding the office on the effective date of this act ends on January 31, 2013." I'll say it again: We would pass exactly the same thing we're on the verge of passing and remove the following words: "the term of the Public Advocate holding the office on the effective date of this act ends on January 31, 2013." That would come out.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts, and inquires as to why the Representative rises.

Representative FITTS: Point of Order, Madam Speaker. I'm looking at the amendment that is on the board and that is not the language I see in that amendment.

The SPEAKER: The Chair would inquire with the Clerk and for a copy of the amendment.

Representative HINCK: Madam Speaker, so that you're fully informed, I'm speaking to the substance of what the amendment accomplishes.

The SPEAKER: The Chair would remind the member from Portland that there were two different amendments I believe put in under your name. I'm just clarifying that the right amendment was offered.

Representative HINCK: What I was addressing is actually a change to the Committee Amendment.

The SPEAKER: The Representative may proceed.

Representative HINCK: Bear with me, Men and Women of the House.

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Pittsfield, Representative Fitts, and inquires as to why the Representative rises.

Representative FITTS: Continued Point of Order, Madam Speaker. I'm looking at this amendment and the amendment summary says: this amendment removes the working group proposed under Committee Amendment "A". It does not talk about terms; it does not talk about anything except the elimination of the working group that's in the bill. Thank you.

The SPEAKER: The Chair would answer in the affirmative. The House Amendment (568), House Amendment "B", literally says this amendment removes the working group proposed in Committee Amendment "A". Period.

Representative HINCK: That is correct.

The SPEAKER: The Representative may proceed.

Representative HINCK: We know we're in trouble when somebody prefaces their remarks with "this should be simple." In point of fact, what I described is completely accurate, but we will have to back up. The Utilities and Energy Committee amended a bill, that is the Committee Amendment and that's what was coming before this body. The other body amended it. The other body, in such, did two things: the other body removed a study and the Senate Amendment changed the term of the current Public Advocate. House Amendment "B", the one that I'm moving now, does half of that. It removes the study. What it does differently from Senate Amendment "A" is does not put in the language that I was reading to you before. That language is

not in the bill if you pass this amendment. This would not be in the bill if you pass this amendment. The term of the Public Advocate holding the office on the effective date of this act ends on January 31, 2013. Senate Amendment "A" has that language in it. It's not in the amendment that I put before this body. In other words, we would not be saying that the term of the current Public Advocate holding the office on the effective date of this act ends on January 31, 2013. Instead the circumstance of the current Public Advocate would remain the same as it is under current law, and that is the amendment that is now before you that I have moved.

Subsequently, Representative HINCK of Portland **WITHDREW House Amendment "B" (H-568) to Committee Amendment "A" (H-165)**.

**Committee Amendment "A" (H-165) as Amended by Senate Amendment "A" (S-260) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-165) as Amended by Senate Amendment "A" (S-260) thereto.**

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

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### COMMUNICATIONS

The Following Communication: (H.C. 225)

### STATE OF MAINE ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE COMMITTEE ON JUDICIARY

June 11, 2009

The Honorable Elizabeth H. Mitchell, President of the Senate

The Honorable Hannah M. Pingree, Speaker of the House

124th Maine Legislature

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers 119

Unanimous Reports	93
Ought to Pass	10
Ought to Pass as Amended	45
Ought Not to Pass	38

Divided Reports	9
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Leave to Withdraw	2
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Carry Overs	4
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Gubernatorial Nominations	11
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Respectfully submitted,

S/Lawrence S. Bliss

Senate Chair

S/Charles R. Priest

House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In reference to Roll Call No. 242 on LD 736, had I been present, I would have voted yea.

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The House recessed until 4:00 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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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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

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

Bill "An Act To Establish Climate and Energy Planning in Maine"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "B" (H-574)** thereto in the House on June 11, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "B" (H-574) AND SENATE AMENDMENT "A" (S-348)** thereto in **NON-CONCURRENCE**.

Representative **DUCHESNE** of Hudson moved that the House **RECEDE AND CONCUR**.

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

Representative **DUCHESNE**: Thank you, Madam Speaker. Just briefly, as I think many members remember, when we last amended this bill that we had taken out all the remaining words except the punctuation; however, the development community felt there were still too many question marks, some periods means stop, and the Maine Forest Products Council thought they wanted an exemption from that. No one really knows what a semicolon does, so we're sending that to rulemaking. All seriousness aside, you'll recall that we had changed the energy and climate bill into just a fish passage bill with culverts. In our zeal to remove some of the language, we actually removed a couple of things we didn't mean to, so the other body has restored in its amendment the major substantive rule part of the bill, and also it made it absolutely clear, even though it was already, that forestry and agriculture are exempt. So 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 don't know how we removed words that weren't words but words were there. I do appreciate the efforts that have been put forth in this bill, and it better defines some of the questions that I asked the

other day. I will be supporting this Recede and Concur and ask for a roll call. Thank you, Madam Speaker.

Representative **SAVIELLO** of Wilton **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: 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. 246**

YEA - Adams, Austin, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Connor, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Fletcher, Flood, Fossel, Gilbert, Giles, Goode, Greeley, Hamper, Harvell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, 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, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Burns, Crafts, Curtis, Cushing, Edgecomb, McFadden, McLeod, Pendleton, Pinkham, Tilton, Weaver.

ABSENT - Ayotte, Beaudette, Cleary, Cohen, Dill, Flemings, Gifford, Hanley, Harlow, Haskell, Joy, Millett, Rosen.

Yes, 127; No, 11; Absent, 13; Excused, 0.

127 having voted in the affirmative and 11 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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**SENATE PAPERS**

The following Joint Order: (S.P. 574)

**ORDERED** the House concurring, that Bill, "An Act To Modernize the Tax Laws and Provide over \$75,000,000 to Residents of the State in Tax Relief," H.P. 750, L.D. 1088, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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**ENACTORS**  
**Acts**

An Act To Amend the Laws Governing Bottle Redemption  
(S.P. 139) (L.D. 397)  
(H. "C" H-564 to C. "A" S-270)

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**.

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

An Act Concerning Technical Changes to the Tax Laws  
(H.P. 755) (L.D. 1093)  
(C. "A" H-476)

**PASSED TO BE ENACTED** in the House on June 4, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AND SENATE AMENDMENTS "A" (S-315) AND "B" (S-341) in NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

JOINT RESOLUTION Memorializing Certain National Private Entities to Honor Maine Baseball Great Louis Sockalexis and to Afford Appropriate Respect to Native American Athletes  
(H.P. 1045)

**READ and ADOPTED** in the House on June 10, 2009.

Came from the Senate **READ and ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-334) 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** with the exception of matters being held.

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

Representative **WHEELER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In reference to Roll Call No. 242 on LD 736, had I been present, I would have voted yea.

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

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. We've enjoyed a dose of spirited democracy this week, we may review it in our dreams in the days to come, but we would be remiss if we did not take note of the day that made all this possible. That day was 65 years and one week ago on Saturday, June 6, 1944, the 65th anniversary of the Allied landings at Normandy, France, on D-Day, June 6, 1944. Last week I was pleased to see the spontaneous remembrances of that day that were observed on this floor. I hope the House might officially observe that anniversary with this simple ceremony tonight. And today, as we eventually leave for a beautiful June weekend, in the bright sun and blue skies and clear waters and bounty of our state, that we might remember where the blessings of democracy do come from.

Sixty-five years ago tonight in the rain and the dark and the dangerous swells of the North Atlantic, an armada of American, British, Canadian vessels, being airpower bearing airborne, infantry and armored divisions, crossed the English Channel in the largest, single day amphibious invasion of all time. They would land along a 50 mile stretch of heavily fortified coast of occupied France, held by the Third Reich as Fortress Europe. On one such vessel cutting the wind that night was one person

we all know well. We'll return to his story in a moment, we'll be blessed to hear it shortly in his own words.

Colleagues, across all the centuries and of all the nations that have crossed the European continent as conquerors, only one nation, after the wars were over, has ever withdrawn—and that would be the United States of America—and indeed rebuilt and revitalized and restored the broken cities and shattered hopes of the citizens of the Old World, in what America called the Marshall Plan. Only one nation has ever done that. That is ours, the United States. In return, we have asked, in the moving words of Secretary of State Colin Powell, only enough territory over there to give rest to our dead. And so many remain there today, 9,300 crosses and stars of the Americans, and the Mainers, who did not return from Normandy.

Of the 5,500 vessels of the Allied armada at Normandy, only one still sails today, the S.S. Jeremiah O'Brien, built in Maine, a good staunch ship. Of the 356,000 soldiers, sailors and airmen of the Allied forces, who participated at Normandy, only one still sits in this chamber with us today, a veteran of the D-Day landings, Representative Walter Wheeler, of Kittery, a fine, staunch friend.

Every day we have enjoyed our freedom since then. Every day our experiment in democracy has enjoyed since then. We owe to those ships, those men, those women, those deeds of June 6, 1944. And so, Madam Speaker, when eventually we adjourn this day, I ask that the House do so in tribute to those who did not return, in gratitude to those who did, in salute to our colleague, Representative Wheeler, our own living symbol of the Greatest Generation, and in memory of those Mainers who built those ships, who served our country, and who played Maine's part in a day that changed all history 65 years and one week ago today, D-Day, June 6, 1944.

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

Representative **WHEELER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Sixty-five years ago, I was there on D-Day, June 6, 1944, on a liberty ship built in South Portland, Maine, and off the coast of France were these guns aimed at Normandy and half of Hitler's army. I was a sight setter with a 3-inch 50 gun in the bow of the ship, one of the thousands of ships as far as the eye could see crossing the English Channel, and it was foggy and dark. I knew I was in the middle of a big thing, but I was feeling kind of small. I was a skinny, 18 year old kid from Maine doing my duty and thinking of home.

Sometimes the war seems long ago, sometimes it seems like yesterday. Sometimes I can almost smell it, taste it and feel it. Sometimes I can see it, like I was in my sight setting chair in the bow of the boat with headphones on my head. That day, when the fog lifted and as soon as it was light enough to see, it was like every gun in the world went off. I remember you could see the big blasts of light on the top of the cliffs above the beach. The Nazi's big guns were firing at us. The sky was black/gray with bombs blasting. Out of the clouds and along the beach German planes came down the shore firing at our guys, and then swooping back up and away. You could see the waves breaking along the shore like a white chalk line. You could see the long, rigid line of our guys landing through the waves of the moving and up towards those flashing guns and cliffs. You could see the lines of waves from our land crafts pushing towards the beach with more men coming back towards us for more ammunition, because the ship I was on was loaded with ammunition, and we

load it up and then we cast awhile and then South Boston, Mass. My vessel was full of ammo. We had nothing but ammo in our hold. The hold is where the cargo is stored. One bomb on us and I remember thinking, just one bomb and the war was over for me. I could see the lower decks crew, mostly black sailors, loading the ammunition like crazy, and the poor guys, I thought. Then the craft would turn back for the beach, all loaded, to leave the ammunition on shore. Sometimes you could see, they'd direct hit on one of those landing crafts and it would go up like a geyser and you knew the war was over for them. Mostly you just kept firing. Hot, brass 3-inch 50 shells would spurt out of the guns all over you, and you filled your gun tubs out on the deck but kept firing. The sky was dark with black bits of metal falling out of it on you, but you kept firing. Sometimes you couldn't hear or see a thing, but you kept firing. That was D-Day. That was as close as I got to France for 65 years, I guess or more, that I've been from France, it's been 65 years ago. We were lucky.

On the way to France, when we were shuttled back and forth from England to France with cargo for the army, we were in the North Sea bringing a load of cargo and we hit a mine, and it hit right in mid-ship, right in the engine room, and I was in the mess hall drinking coffee, getting ready to go on watch, and right below me, blew me against the bottom of the mess table and hurt my knee. But the ship was empty—it wasn't empty, it was full, that's an error. We left all of our ammo in France at Normandy. It was a good thing we were empty—it says that we weren't, but it's pretty hard to write something up and get it direct. And what it was, we did have a load on, and when we hit the mine, it hit right in the end of the room and we had no power and we were just floating around out there, and there were other ships on the convoy and they threw a line to us and the line snapped and broke because we had too heavy a load, so we had to sit out there all night, and we had a destroyer escort circling us, because we didn't know if it was a mine or a torpedo from the U-Boats, the German submarines. Then the tugboats came out the next morning and towed us in to dry dock, and then afterward felt, you know when you were 18, you don't think about tomorrow, you think about today and hope you get through it. You think about your buddies and hope they get through it too. Come on, here. Sometimes you had buddies that didn't make it, and yes, you'd think of them. But the moments kept coming as fast and life keeps pushing you on. That's war. Then the next night you're trying to sleep in your bunk, laying there listening to the buzz bombs flying over you, heading to the land of England. You hope they are going to land in England and not on you. Then suddenly it's tomorrow and your buddies go back to the guns one more day. That's war. Then the next night after that you think of your family, your friends and your parents, and how things are back home. You're just an 18 year old kid but growing up fast. That's war too. But I got through the war, and I served on ships in just almost every theater of the war: in the Pacific, North Atlantic and the European theater. I had a good liberty ship, the S.S. Hadley F. Brown, and she got me home safe.

One of my greatest days was just two summers ago, when a different vessel, the S.S. John Brown, one of the last two liberty ships in the war, came to visit Portland, Maine. I went aboard the ship with my friend, Representative Adams, and we spent all day visiting the captain, the crew, presenting thing, flags and proclamations, and climbed up to sit at the seat on my old gun one more time and told the crew about D-Day. Down in the hold they had a liberty ship museum and high up on the wall, to my surprise, was the original building plate from the ship at D-Day at Normandy, old Hadley F. Brown, so we were reunited. So my old ship is history. Some days I feel like history too.

After the war, they had the G.I. Bill, and I took advantage of it and went to learn a trade and worked in different machine shops, I learned the machinist trade, and then I went to work in a shipyard in Kittery and worked there until I retired. I have a wonderful wife, good kids and great life, and now I get to serve here and make all new wonderful friends. Sometimes the war seems long ago and sometimes it seems like yesterday, sometimes I think of my old buddies, but today I am thinking of all my new friends. Freedom isn't free, I can tell you that, but friendship is beyond price. So that was D-Day, but today I am thinking about tomorrow and that's about America's needs. God bless all my wonderful friends, God bless the great State of Maine, and God bless the good, old USA. Thank you.

### SENATE PAPERS

Bill "An Act To Ensure Benefits for State Retirees" (EMERGENCY)

(S.P. 573) (L.D. 1496)

Committee on **LABOR** suggested and ordered printed.

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

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 **TUTTLE** of Sanford **PRESENTED House Amendment "A" (H-581)**, which was **READ** by the Clerk.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Like the bill, this amendment is designed to protect state retirees from the impact on retirement benefits of decreases in the consumer price index. This amendment requires that if the consumer price index decreases, the Board of Trustees of the Maine Public Employees Retirement System will set the percentage change to 1 percent of that September. The adjustment for the following year must be set based upon the actuarial component of the consumer price index for both years in the cost neutral manner. Essentially, what this is doing is preventing, many of us know the consumer price index is negative and if we allow this to go forward before July 1st, all the state employees and teachers would be decreased by 4 percent in their retirement, so this is a cost neutral effect of doing. I know both sides are in agreement, the Retirement System is in agreement, and I know that Representative Cushing has something to add to that.

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 rise to support the amendment by the good Representative from Sanford. This has recently come to our attention as a result of correspondence from the Maine Public Employees Retirement System and action is necessary before this session ends or it could have an adverse effect on over 35,000 retirees in this state. I think all of us recognize in this economy that we don't want to go back on commitments we've made to retirees. Senator Mills was kind enough to work with other members of the committee in providing information and verbiage that adequately protects the rights of those retirees while also assuring that there is some continuity in protecting the longevity of the system. So I rise in

support of this amendment and I urge you to follow our lights in supporting it. Thank you for your time.

Subsequently, **House Amendment "A" (H-581)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-581) in NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTORS  
Emergency Measure**

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1028) (L.D. 1475)  
(C. "A" H-579)

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. 132 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  
Non-Concurrent Matter**

An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption (EMERGENCY)

(H.P. 44) (L.D. 51)

**PASSED TO BE ENACTED** in the House on March 31, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6) AND SENATE AMENDMENT "A" (S-342)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care (EMERGENCY)

(S.P. 142) (L.D. 400)

**PASSED TO BE ENACTED** in the House on April 30, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-57)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-57) AS AMENDED BY SENATE AMENDMENT "A" (S-343)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Direct Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation (H.P. 545) (L.D. 796)

**PASSED TO BE ENACTED** in the House on June 8, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) AS AMENDED BY SENATE AMENDMENT "A" (S-344)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies

(S.P. 491) (L.D. 1356)

**PASSED TO BE ENACTED** in the House on June 8, 2009. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-301)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-301) AS AMENDED BY SENATE AMENDMENT "A" (S-345)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS  
Emergency Measure**

An Act To Amend the Surcharge for the E-9-1-1 System

(H.P. 210) (L.D. 264)

(C. "A" H-437)

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

**ENACTORS  
Acts**

An Act Concerning Technical Changes to the Tax Laws

(H.P. 755) (L.D. 1093)

(C. "A" H-476; S. "A" S-315; S. "B" S-341)

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.

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Modernize the Tax Laws and Provide over \$50,000,000 to Residents of the State in Tax Relief

(H.P. 750) (L.D. 1088)

(H. "A" H-537 to C. "A" H-530)

- In House, **PASSED TO BE ENACTED** on June 5, 2009.  
 - In Senate, **PASSED TO BE ENACTED** on June 5, 2009, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 574.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Acts**

An Act To Clarify the Application of the Public Works Minimum Wage Laws

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

(C. "A" H-241)

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. 247**

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

NAY - Austin, Bickford, Chase, Clark T, Crafts, Curtis, Cushing, Edgecomb, Fitts, Flood, Gifford, Giles, Hamper, Johnson, Knight, Langley, Lewin, McFadden, McLeod, Plummer, Richardson D, Robinson, Sykes, Thomas, Weaver.

ABSENT - Ayotte, Beaudette, Cohen, Hanley, Harlow, Joy, Millett, Morrison, Percy, Rosen, Saviello, Smith, Watson.

Yes, 113; No, 25; Absent, 13; Excused, 0.

113 having voted in the affirmative and 25 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**COMMUNICATIONS**

The Following Communication: (H.C. 227)

**STATE OF MAINE  
 ONE HUNDRED AND TWENTY- LEGISLATURE  
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
 AFFAIRS**

June 12, 2009

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

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular Session of the 124th Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	37
Unanimous Reports	34
Ought to Pass as Amended	3
Ought Not to Pass	31
Divided Reports	1
Carry Overs	2

Respectfully submitted,  
 S/G. William Diamond  
 Senate Chair  
 S/Emily Ann Cain  
 House Chair

**READ and ORDERED PLACED ON FILE.**

On motion of Representative DUCHESNE of Hudson, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR** on Bill " An Act To Establish Climate and Energy Planning in Maine "

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

(H. "B" H-574 and S. "A" S-348 to C. "A" H-514)

On further motion of the same Representative, the House voted to **RECEDE**.

The same Representative moved that **House Amendment "B" (H-574) to Committee Amendment "A" (H-514) be INDEFINITELY POSTPONED**.

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. It gives me a great deal of pleasure to announce that the other body has made a mistake and it's up to this body to correct their error. When they adopted their Senate Amendment on the other end of the aisle, they forgot to remove the House Amendment that they were correcting. We have now done their work for them. Thank you.

Subsequently, **House Amendment "B" (H-574) to Committee Amendment "A" (H-514) was INDEFINITELY POSTPONED**.

**Committee Amendment "A" (H-514) as Amended by Senate Amendment "A" (S-348) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-514) as Amended by Senate Amendment "A" (S-348) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

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 (EMERGENCY)

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

Which was **TABLED** by Representative PIOTTI of Unity pending the motion of Representative PINGREE of North Haven to **RECEDE AND CONCUR.** (Roll Call Ordered).

On motion of Representative PIOTTI of Unity, the House voted to **RECEDE.**

The same Representative **PRESENTED House Amendment "D" (H-582) to Committee Amendment "A" (H-539) which was READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-539) as Amended by House Amendment "D" (H-582) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-539) as Amended by House Amendment "D" (H-582) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**

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.

Bill "An Act To Provide Funding for the Highway Fund Biennial Budget" (EMERGENCY)

(H.P. 1042) (L.D. 1487)

- In House, **REFERRED** to the Committee on **TRANSPORTATION** on June 4, 2009.

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative MAZUREK of Rockland, the House voted to **RECEDE AND CONCUR.**

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**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.

Bill "An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future"

(H.P. 1034) (L.D. 1481)

**TABLED** - May 26, 2009 (Till Later Today) by Representative PIOTTI of Unity.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative MARTIN of Eagle Lake, the Bill and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and sent for concurrence.

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

**ENACTORS**

**Emergency Measure**

An Act To Protect Benefits for State Retirees

(S.P. 573) (L.D. 1496)

(H. "A" H-581)

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. 248**

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, 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, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, 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 - Ayotte, Celli, Flaherty, Greeley, Hanley, Harlow, Joy, Morrison, Percy, Peterson, Rosen, Saviello.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 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 Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care

(S.P. 142) (L.D. 400)  
(S. "A" S-343 to C. "A" S-57)

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. 249**

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, 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, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, 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 - Ayotte, Celli, Flaherty, Hanley, Harlow, Joy, Morrison, Percy, Rosen.

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.

**Emergency Mandate**

An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption

(H.P. 44) (L.D. 51)  
(C. "A" H-6; S. "A" S-342)

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.

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

**ROLL CALL NO. 250**

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, 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, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Hamper, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Celli, Flaherty, Greeley, Hanley, Harlow, Joy, Morrison, Percy, Rosen, Van Wie.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Direct Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation

(H.P. 545) (L.D. 796)

(S. "A" S-344 to C. "A" H-527)

An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies

(S.P. 491) (L.D. 1356)

(S. "A" S-345 to C. "A" S-301)

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.

**Acts**

An Act To Ensure that Replacement Culverts Permit Fish Passage

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

(S. "A" S-348 to C. "A" H-514)

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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**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)

(H. "D" H-582 to C. "A" H-539)

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 **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 House recessed until the Sound of the Bell.



After Midnight

(After Recess)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)** on Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June 2010 Elections" (H.P. 631) (L.D. 913)

Signed:

Senators:

DIAMOND of Cumberland  
CRAVEN of Androscoggin  
ROSEN of Hancock

Representatives:

CAIN of Orono  
MARTIN of Eagle Lake  
ROTUNDO of Lewiston  
MILLER of Somerville  
FLOOD of Winthrop  
NUTTING of Oakland  
CONNOR of Kennebunk  
MILLETT of Waterford  
WEBSTER of Freeport

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

Signed:

Representative:

ROBINSON of Raymond

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-583)** 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-583)** and sent for concurrence.

**ORDERS**

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1053)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 124th Legislature.

**Agriculture, Conservation and Forestry**

H.P. 442, L.D. 628 - An Act To Allocate Prospective

Federal Funding To Support Maine's Dairy Industry  
S.P. 262, L.D. 687 - Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund

S.P. 430, L.D. 1182 - An Act To Prevent Price Gouging in the Sale of Milk

H.P. 857, L.D. 1238 - An Act Concerning the National Animal Identification System

H.P. 858, L.D. 1239 - An Act To Establish a Revenue Source for the Maine Pesticide Education Fund

**Appropriations and Financial Affairs**

H.P. 659, L.D. 957 - An Act To Establish a New Method of Determining the State Budget

S.P. 503, L.D. 1387 - An Act To Strengthen Maine's Financial Future in Perpetuity

H.P. 1034, L.D. 1481 - An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future

**Business, Research and Economic Development**

S.P. 10, L.D. 1 - An Act To Stimulate Capital Investment for Innovative Businesses in Maine

H.P. 75, L.D. 91 - An Act To Fund the Maine Downtown Center

H.P. 215, L.D. 272 - An Act To License Home Building and Improvement Contractors

S.P. 119, L.D. 355 - An Act To Protect Residential Consumers of Home Heating Fuel

H.P. 479, L.D. 696 - Resolve, To Reclaim Past Unredeemed Beverage Container Deposits

S.P. 478, L.D. 1320 - An Act To Ensure the Availability of Alcohol-free Motor Fuels

S.P. 505, L.D. 1389 - An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine

H.P. 972, L.D. 1393 - An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses

**Criminal Justice and Public Safety**

H.P. 406, L.D. 568 - An Act To Amend the Sex Offender Registration Laws

S.P. 305, L.D. 791 - An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

H.P. 783, L.D. 1139 - An Act To Require Internet Service Providers To Retain Records

**Education and Cultural Affairs**

H.P. 139, L.D. 160 - An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure

S.P. 116, L.D. 352 - An Act To Encourage Veterinary Practice in Maine

S.P. 173, L.D. 470 - An Act To Sustain Nursing Education in Lincoln County

H.P. 389, L.D. 551 - An Act To Improve the Essential Programs and Services Funding Formula

H.P. 408, L.D. 570 - An Act To Improve the Laws Governing the Consolidation of School Administrative Units

**Health and Human Services**

H.P. 187, L.D. 233 - An Act To Include Independent Practice Dental Hygienists in MaineCare

H.P. 438, L.D. 624 - Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for

**Maine People**

H.P. 451, L.D. 637 - An Act To Ensure Services for Adults with Developmental Disabilities  
 H.P. 484, L.D. 701 - An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan  
 H.P. 516, L.D. 757 - An Act To Improve the Transparency of Certain Hospitals  
 H.P. 557, L.D. 821 - An Act To Support Collection and Proper Disposal of Unwanted Drugs  
 H.P. 881, L.D. 1262 - An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers  
 S.P. 462, L.D. 1281 - An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers  
 H.P. 940, L.D. 1339 - An Act To Improve Oversight of Pharmaceutical Purchasing  
 S.P. 495, L.D. 1360 - An Act To Allow Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment  
 H.P. 954, L.D. 1364 - An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers  
 H.P. 984, L.D. 1408 - An Act To Establish the Universal Childhood Immunization Program  
 H.P. 1019, L.D. 1464 - An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

**Inland Fisheries and Wildlife**

S.P. 315, L.D. 807 - An Act To Improve and Promote Maine's Landlocked Salmon Resources

**Insurance and Financial Services**

H.P. 15, L.D. 20 - An Act To Require Insurance Companies To Cover the Cost of Prosthetics  
 H.P. 203, L.D. 257 - An Act To Establish the Health Technology Clinical Committee  
 H.P. 313, L.D. 425 - An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities  
 S.P. 393, L.D. 1059 - Resolve, To Enhance Health Care for Direct Care Workers  
 S.P. 446, L.D. 1198 - An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders  
 H.P. 955, L.D. 1365 - An Act To Establish a Single-payer Health Care System

**Judiciary**

H.P. 333, L.D. 445 - An Act To Improve Tribal-State Relations  
 H.P. 374, L.D. 529 - An Act To Create a Traffic Court  
 H.P. 875, L.D. 1256 - An Act To Prohibit Predispute Mandatory Binding Arbitration Clauses in Consumer Contracts  
 H.P. 895, L.D. 1289 - An Act To Enact the Uniform Debt Management Services Act  
 H.P. 968, L.D. 1378 - An Act To Adopt Portions of the Uniform Mediation Act

**Labor**

H.P. 109, L.D. 125 - Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System  
 H.P. 157, L.D. 192 - An Act To Index the State Minimum Wage to Inflation  
 H.P. 299, L.D. 403 - An Act To Increase the Minimum

**Wage**

S.P. 356, L.D. 934 - An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining

**Legal and Veterans Affairs**

H.P. 49, L.D. 56 - An Act To Join the Interstate Compact on the National Popular Vote  
 H.P. 569, L.D. 833 - An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse  
 H.P. 934, L.D. 1330 - An Act Regarding Gaming by Charitable Organizations  
 H.P. 946, L.D. 1345 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject  
 H.P. 996, L.D. 1420 - An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates  
 H.P. 997, L.D. 1421 - An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries  
 S.P. 521, L.D. 1437 - An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations  
 H.P. 107 - Joint Order, To Amend the Joint Rules To Require Agreement with the Legislative Code of Ethics

**Marine Resources**

S.P. 354, L.D. 932 - An Act To Establish Area Management of Maine's Scallop Fishery  
 H.P. 935, L.D. 1331 - An Act Regarding Saltwater Recreational Fishing  
 S.P. 516, L.D. 1432 - An Act To Create a Saltwater Recreational Fishing Registry

**Natural Resources**

S.P. 341, L.D. 891 - An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions  
 H.P. 658, L.D. 956 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative  
 H.P. 999, L.D. 1423 - An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses

**State and Local Government**

S.P. 386, L.D. 1022 - An Act To Amend the Laws Governing the Legislative Youth Advisory Council

**Taxation**

H.P. 60, L.D. 71 - An Act To Raise the Property Tax Exemption for Veterans  
 H.P. 160, L.D. 195 - An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price  
 H.P. 426, L.D. 588 - An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation  
 H.P. 473, L.D. 659 - An Act To Remove the Sales Tax on Watercraft  
 H.P. 476, L.D. 662 - An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period  
 H.P. 539, L.D. 788 - An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes  
 H.P. 575, L.D. 839 - An Act To Authorize an Alternative

Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property  
S.P. 353, L.D. 931 - An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories

S.P. 371, L.D. 993 - An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation

H.P. 776, L.D. 1121 - An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure

H.P. 872, L.D. 1253 - An Act To Establish a Local Option Sales Tax

H.P. 892, L.D. 1273 - An Act To Simplify the Application for Benefits under the Circuitbreaker Program

S.P. 460, L.D. 1279 - An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation

H.P. 899, L.D. 1296 - An Act To Strengthen the Job Creation Through Educational Opportunity Program

S.P. 481, L.D. 1335 - An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities

H.P. 1005, L.D. 1449 - An Act To Expand Tax Incentives for Visual Media Productions

**Utilities and Energy**

H.P. 388, L.D. 543 - An Act Concerning the Allocation of Power Generated by GNE, LLC

S.P. 455, L.D. 1222 - An Act To Promote Geothermal Energy in the State

H.P. 951, L.D. 1350 - An Act To Establish the Maine Transmission Mitigation Trust Fund

S.P. 514, L.D. 1430 - An Act To Ensure Electric Capacity To Serve Maine Consumers

**READ and PASSED.**

Sent for concurrence.

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

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

Representative **TUTTLE:** This is in memory of former Clerk Joe Mayo and I shared it with the House on May 23, 2002, and I'd like to share it with you.

In the corner and around the bend, sits a State House that has no end. Yet days go by and weeks go on and before I know it a year is gone, and I never see my old friend's face, for life is a swift and terrible race. He knows I like him just as well, as in the day when I rang his bell and he rang mine. We were younger then, and now we are busy, tired men. Tired of playing a foolish game, tired with trying to make a name. Tomorrow I say I will call on Joe, just to show that I'm thinking about him. But tomorrow comes and tomorrow goes, and the distance between us grows and grows. Around the corner, yet miles away, I receive a telephone call that Joe Mayo has died today. And that's what we get and deserve in the end, around the corner a vanishing friend. Thank you, Madam Speaker.

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

Representative **SYKES:** Thank you, Madam Speaker. In the interest of efficiency, which you know is very important to me, I would offer to you a very brief but a sincere and serious and heartfelt thank you.

Speaker **PINGREE:** The Chair would just like to thank all the members of this House. I very much appreciate that, especially from the Representative from Harrison, Representative Sykes. I know that it must be heartfelt and serious.

I do want to thank you all. We have, Josh and John and I, have decided to defer all major speeches until the end of next session in the interest of efficiency, but I do just want to thank this House chamber for an incredibly positive session. I think we can all go home feeling proud of a lot of the work that we've been a part of, the work that we've done for the people of Maine. I think it's a very long list of accomplishments, many of them bipartisan, and I really want to thank this chamber for stepping up, for being serious when you needed to, for being efficient, for doing incredible work in your committees and, even on this evening, for having a good sense of humor and spirit. It's been a pleasure to serve with all of you, so thank you.

I also want to just, we will do this far more at the end. There's a major ceremony for those of you who haven't been here before at the end of the Second Regular Session, where we do lots of thank yous and special goodbyes and everything else. But I do want to just especially thank our staff, especially Millie and Mike, but everybody in this chamber and outside this chamber, who have worked really hard, they are still with us at 1:15 in the morning, so I hope that you'll all join me in giving them a round of applause.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS  
Bond Issue**

An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June and November 2010 Elections

(H.P. 631) (L.D. 913)  
(C. "A" H-583)

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

Representative **CAIN:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In a lot of ways, I'm very happy this is the last big bill we're taking up, because I think it is yet another fine example of the work of this Legislature this session, of the work, our very hard work putting aside partisan

politics or how tired we are here in this final week, to do the right thing for the people of Maine and put together this package. I believe this bond package is the perfect blend, at this time, of principles and priorities. I believe these investments will pay off in the long run and in the short run, providing jobs and economic and community development, as well as major improvements in our infrastructure as a state. I want to point out that we can afford this bond package. The budget passed earlier this session into law budgeted the resources for a bond package that fits within these parameters. I'm very happy to say to the State of Maine that this is not only an investment we can afford, but it's an investment that we must make right now to make sure that, as this recession continues and ultimately comes to a conclusion in a few years, we will be in a better position to come out of that recession, because we decided to take this step together at the end of this very long, yet very efficient and productive session. I would like to thank my committee, I would like to thank the leadership on all sides, and I'd like to especially thank the Office of Fiscal and Program Review and the Office of the Revisor of Statutes for their hard work in making sure this came together at the very end of our session in such a productive way. Thank you, Madam Speaker, and I urge all of you to join me in support of Enactment on this bill.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 251**

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Curtis, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Fletcher, Flood, Fossil, Gilbert, Giles, Goode, Greeley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pih, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, 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, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Clark T, Crafts, Davis, Edgecomb, Gifford, Hamper, Johnson, Lewin, McKane, McLeod, Robinson, Thomas, Watson.

ABSENT - Ayotte, Celli, Cleary, Flemings, Hanley, Harlow, Joy, McFadden, Nass, Percy, Rosen.

Yes, 127; No, 13; Absent, 11; Excused, 0.

127 having voted in the affirmative and 13 voted in the negative, with 11 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 30)

ORDERED, that Representative Bernard L. A. Ayotte of Caswell be excused June 1 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen R. Beaudette of Biddeford be excused June 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles W. Harlow of Portland be excused June 12 for personal reasons.

**READ and PASSED.**

The Speaker appointed Representative PIOTTI of Unity on the part of the House to inform the Senate that the House was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN E. BALDACCI, and inform him that the House was ready to receive any communication that he may be pleased to make:

Representative WATSON of Bath  
 Representative PILON of Saco  
 Representative BRYANT of Windham  
 Representative VALENTINO of Saco  
 Representative CROCKETT of Augusta  
 Representative SIROIS of Turner  
 Representative FLEMINGS of Bar Harbor  
 Representative CHASE of Wells  
 Representative KNIGHT of Livermore Falls  
 Representative LANGLEY of Ellsworth

Subsequently, the Committee reported that they had delivered the message with which they were charged.

Governor **BALDACCI**: Good morning, please be seated. Be very brief, be very brief but at the same time comment on the depth and breadth of a lot of hard work over a six month period. Madam Speaker, Leader Piotti, Leader Tardy, Assistant Leader Berry, Assistant Leader Curtis, Men and Women of the House. The time has come to close the First Regular Session of the 124th Legislature. Ladies and gentlemen, thank you.

The work you have accomplished on behalf of the people of Maine is truly impressive. When this session began, you faced a daunting list of challenges. But at each turn, the members of the 124th Legislature rose to the occasion and answered the challenge. This Legislature put partisanship and ideology aside to tackle the worst economic recession in more than 70 years.

We passed a budget that reduced State spending, while protecting the core values of our State and our people. We passed significant energy legislation that will set Maine on the path to greater energy independence and security. We affirmed the protections guaranteed in our Constitution that everyone in our State, regardless of sexual orientation, be treated equally under the law. We worked cooperatively to quickly implement the American Recovery and Reinvestment Act, which has already put people to work in Maine. We expanded training for workers and for the unemployed.

This Legislature has dealt with tough issues and, almost all of the time, did it with a spirit of good humor, compassion and patience.

We lowered the income tax and transformed our tax code for the 21st Century, making it more stable and more progressive. We improved the quality, access and affordability of health care. And we have made important investments in our people and in our economy. At times, we continued our work even when we

couldn't reach bipartisan accord. But even then, when differences surfaced, this session has been marked by goodwill and openness.

The people of Maine don't expect us to always agree, but they do expect us to work together and get things done. You have done that.

As the session ends, patience may be frayed and fatigue has taken its toll, but in the days and weeks to come, you will look back on the last six months with a sense of pride and accomplishment because you have made the State of Maine stronger.

On behalf of the people of this Great State, thank you for your dedication and your service. Congratulations and drive home safely tonight or tomorrow morning. Thank you very much.

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Subsequently, Representative PIOTTI reported that he had delivered the message with which he was charged.

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At this point, a message came from the Senate borne by Senator Marraché, of Kennebec of that Body, informing the House that the Senate was ready to adjourn without day.

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On motion of Representative WHEELER of Kittery, the House adjourned without day at 2:09 a.m., Saturday, June 13, 2009.