

# 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  
SECOND REGULAR SESSION  
12th Legislative Day  
Thursday, February 11, 2010

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

Prayer by Pastor Karen Garcia, New Sharon United Methodist Church.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.

The Journal of Tuesday, February 9, 2010 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 273)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

February 11, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Judiciary

L.D. 1624 An Act To Ensure Rights to Children for Caretaker Relatives

Legal and Veterans Affairs

L.D. 1437 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

L.D. 1713 An Act Pertaining to Educational Benefits for Veterans and Their Dependents (EMERGENCY)

Natural Resources

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

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 684)

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

January 29, 2010

Honorable Elizabeth H. Mitchell

President of the Senate

124th Maine Legislature

State House

Augusta, Maine 04333

Dear Madam President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 504 of the 124th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry, was unable to schedule public hearings within the statutory time period for the following nominees:

Diane Doyle of Saco for reappointment to the Land for Maine's Future Board, Richard E. Stevenson, Jr. of Bath for reappointment to the Pesticides Control Board and John M. Joseph, Jr. of Hallowell for reappointment to the Maine Milk Commission.

These appointments were made by the Governor on December 30, 2009.

Signed,

S/John M. Nutting

Senate Chair

S/Wendy Pieh

House Chair

Came from the Senate, **READ** and **ORDERED PLACED ON FILE.**

**READ** and **ORDERED PLACED ON FILE** in concurrence.

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The Following Communication: (S.P. 682)

**STATE OF MAINE  
124TH MAINE LEGISLATURE**

February 4, 2010

Sen. Stan Gerzofsky

Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety

Rep. Anne M. Haskell

House Chair, Joint Standing Committee on Criminal Justice and Public Safety

124th Legislature

Augusta, ME 04333

Dear Senator Gerzofsky and Representative Haskell:

Please be advised that Governor John E. Baldacci has nominated Richard Hanley of Winthrop for appointment to the State Board of Corrections.

Pursuant to Title 34-A M.R.S.A. §1802, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

**READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

**Pursuant to Statute**

**Maine Health Data Organization**

Representative PERRY for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major

Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1270) (L.D. 1780)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-612)** on Bill "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. 569) (L.D. 833)

Signed:

Senators:

SULLIVAN of York  
PLOWMAN of Penobscot  
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick  
TRINWARD of Waterville  
TUTTLE of Sanford  
FITTS of Pittsfield  
CAREY of Lewiston  
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-613)** on same Bill.

Signed:

Representatives:

BEAULIEU of Auburn  
PINKHAM of Lexington Township  
VALENTINO of Saco

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-612)** Report.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-612)** Report and later today assigned.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program" (EMERGENCY)

(H.P. 1169) (L.D. 1641)

Signed:

Senators:

DAMON of Hancock  
PERRY of Penobscot

Representatives:

MAZUREK of Rockland  
PEOPLES of Westbrook  
THERIAULT of Madawaska  
HARLOW of Portland  
CAREY of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-610)** on same Bill.

Signed:

Senator:

GOOLEY of Franklin

Representatives:

HOGAN of Old Orchard Beach  
BROWNE of Vassalboro  
ROSEN of Bucksport  
THOMAS of Ripley

**READ.**

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative MAZUREK of Rockland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 607) (L.D. 1601) Bill "An Act To Create the Lincolnville Sewer District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-360)**

(S.P. 628) (L.D. 1663) Bill "An Act To Establish a Committee To Promote General Aviation in the State" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-358)**

(H.P. 1146) (L.D. 1618) Bill "An Act To Amend the Loan Originator Registration Laws" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 1147) (L.D. 1619) Bill "An Act To Facilitate Uniformity Regarding Exemption from Registration of Certain Securities Offerings" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 776) (L.D. 1121) Bill "An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-621)**

(H.P. 858) (L.D. 1239) Bill "An Act To Establish a Revenue Source for the Maine Pesticide Education Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-619)**

(H.P. 1083) (L.D. 1539) Bill "An Act Concerning Technical Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-622)**

(H.P. 1085) (L.D. 1541) Bill "An Act To Protect Consumers from Charges after a Free Trial Period" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-626)**

(H.P. 1123) (L.D. 1585) Bill "An Act To Protect Maine Farms and Nurseries" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-620)**

(H.P. 1165) (L.D. 1637) Bill "An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-623)**

(H.P. 1240) (L.D. 1743) Bill "An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-624)**

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

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**CONSENT CALENDAR**  
**Second Day**

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

(S.P. 589) (L.D. 1531) Bill "An Act To Update Laws Regulating the Maine Emergency Management Agency"

(S.P. 591) (L.D. 1533) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 624) (L.D. 1659) Bill "An Act To Enhance the Small Enterprise Growth Fund"

(S.P. 386) (L.D. 1022) Bill "An Act To Amend the Laws Governing the Legislative Youth Advisory Council" (C. "A" S-357)

(S.P. 602) (L.D. 1595) Bill "An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System" (C. "A" S-356)

(H.P. 934) (L.D. 1330) Bill "An Act Regarding Gaming by Charitable Organizations" (C. "A" H-611)

(H.P. 1064) (L.D. 1515) Bill "An Act To Amend the Charter of the Caribou Utilities District" (C. "A" H-614)

(H.P. 1067) (L.D. 1517) Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY) (C. "A" H-608)

(H.P. 1098) (L.D. 1556) Resolve, To Review Certification Requirements for Installation of Solar Energy Systems (EMERGENCY) (C. "A" H-609)

(H.P. 1114) (L.D. 1576) Bill "An Act To Improve the Ability of the Commissioner of Corrections To Respond in an Emergency" (C. "A" H-615)

(H.P. 1126) (L.D. 1588) Bill "An Act To Change the Penalties for Writing Bad Checks" (C. "A" H-616)

(H.P. 1140) (L.D. 1612) Bill "An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card" (C. "A" H-617)

(H.P. 1171) (L.D. 1643) Bill "An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case" (EMERGENCY) (C. "A" H-618)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**BILLS IN THE SECOND READING**  
**Senate as Amended**

Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)

(S.P. 677) (L.D. 1764)  
(S. "A" S-359)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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**ENACTORS**  
**Emergency Measure**

An Act Regarding Mobile Service Bars at Municipal Golf Courses

(S.P. 603) (L.D. 1596)  
(C. "A" S-352)

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. 134 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Remove the Sales Tax on Certain Watercraft

(H.P. 473) (L.D. 659)  
(C. "B" H-597)

An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries

(H.P. 997) (L.D. 1421)  
(C. "A" H-602)

An Act To Expand Tax Incentives for Visual Media Productions

(H.P. 1005) (L.D. 1449)  
(C. "B" H-598)

An Act To Authorize Municipal Officers To Resolve Road-naming Disputes

(H.P. 1062) (L.D. 1513)  
(C. "A" H-596)

An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code

(H.P. 1120) (L.D. 1582)  
(C. "A" H-595)

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

**Resolves**

Resolve, Directing the Department of Labor To Research and Analyze the Methods Other States Utilize To Assess Benefit Charges When a Worker Becomes Unemployed and Receives Benefits

(H.P. 1074) (L.D. 1524)  
(C. "A" H-594)

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

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 Tuesday, February 9, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-600)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure"

(H.P. 1127) (L.D. 1589)

TABLED - February 4, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-600)** 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.**

Representative HINCK of Portland **PRESENTED House Amendment "A" (H-630)**, which was **READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-600)** and **House Amendment "A" (H-630)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Resolve, To Review Sales of Dairy Products

(H.P. 1249) (L.D. 1755)

- In House, Unanimous **REFER TO THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY pursuant to Public Law 2009, chapter 213, Part TTT, section 9** Report of the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on January 28, 2010.

- In Senate, Unanimous **REFER TO THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY pursuant to Public Law 2009, chapter 213, Part TTT, section 9** Report of the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and REJECTED** and the Resolve **REFERRED** to the Committee on **TAXATION in NON-CONCURRENCE.**

TABLED - February 9, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION.**

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Deer Hunting in Owls Head during Firearms Season with Shotguns Only"

(H.P. 1091) (L.D. 1549)

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
CRAFTS of Lisbon  
SARTY of Denmark  
McLEOD of Lee  
SHAW of Standish  
BRIGGS of Mexico  
WHEELER of Kittery  
EBERLE of South Portland  
DAVIS of Sangerville

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

SAVIELLO of Wilton

**READ.**

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of Personal Watercraft on Wilson Pond"

(H.P. 1142) (L.D. 1614)

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
CRAFTS of Lisbon  
SAVIELLO of Wilton  
SARTY of Denmark  
McLEOD of Lee  
SHAW of Standish  
BRIGGS of Mexico  
WHEELER of Kittery

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

DAVIS of Sangerville  
EBERLE of South Portland

**READ.**

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Encourage Tourism by Ensuring the Safety, Accessibility and Availability of Highway Rest Stops and Scenic Overlooks"

(H.P. 1220) (L.D. 1719)

Signed:

Senators:

DAMON of Hancock  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
PEOPLES of Westbrook  
HARLOW of Portland  
BROWNE of Vassalboro  
CAREY of Lewiston  
ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-627)** on same Bill.

Signed:

Representatives:

THOMAS of Ripley  
CEBRA of Naples

**READ.**

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Tourism is now our number one industry. Vacationland is on our license plate. Our economy depends on visitors coming to Maine, and it depends on those visitors encouraging other people to come and visit, and if they don't, it's only going to get tougher for us down here to keep state government the way that we want it to. If those people are going to come back, they need to feel welcome. One of the small ways that we can make them feel welcome is the rest areas on the interstate need to be open. When those tourists see those closed signs, they feel unwelcome. Let me ask you, would you invite guests to your house and then lock the bathroom door, and, if you did, would those guests be likely to hurry back? Of course they wouldn't. And the only argument, the only reason that we would close those rest areas is that it costs too much, but there's going to be some cost to maintaining them. Those rest areas are in great shape, and it would be awful if we let them deteriorate to nothing and we're not going to. So it's going to cost us something to keep them open. A small additional investment will help keep people feeling welcome when they come back to Maine, and I think we need to make that investment in our number one industry if we expect people to

come here and spend their money. Thank you.

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

Representative **CAREY**: Thank you, Madam Speaker. I rise in support of the motion. I am disagreeing with the good Representative from Ripley, although I agree with almost everything that he said. This is a classic example of the tough choices that we have to make in this legislature. He is absolutely right. Ideally we would have rest areas and we would reopen many of the other ones that we've closed. The only reason that we can't do it, which is the same reason that many of the other crazy decisions that we make in this chamber, is because we can't afford it. We can't afford to pave the roads. We're only paving, this year, 46 percent on the roads that we need. Forty-six percent of the roads we need to pave, we're actually paving. We're only reconstructing the roads. We see them in committee every day, the roads that are literally falling apart, and we have them in each of our districts. To fix those roads on a reasonable basis, we're doing 16 percent of the roads we need to fix in this biennium, 16 percent. In terms of multi-motor transportation, we're doing a little bit better there. We're at 70 percent, 70 percent of where we need to be to hold our own and to have a transportation infrastructure that is reasonable. We're not meeting the core mission of the department. The Representative is correct that we should be doing more in tourism if we can. We can't. We can't meet the core mission. I'll be supporting the motion. Thank you, Madam Speaker.

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

Representative **PEOPLES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My colleague from Lewiston spoke very, very articulately about this. The DOT needs to concentrate on its core mission. I must say I agree that we probably should be concerned about rest areas, but I might suggest that it is perhaps an issue better dealt with by the tourism and economic development people rather than the people who pave the roads. I think that potholes and bumpy roads are much more of a turnoff for people who come to this state to visit than the fact that they might have to get off 95 and go into a community to find facilities. So I will be supporting the motion and I thank you for your attention.

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

Representative **MAZUREK**: Thank you, Madam Speaker. I'm not going to take a long time because I support what Representatives Peoples and Carey said, but I just want to include that the fiscal report for opening the two rest areas and the overview would be approximately \$227,000 for 2010 and 2011.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I found a hard choice to go against the good Chair of Transportation. But after looking at this bill, I can tell you the scenic overlooks that come into Medway, Maine overlooking Mount Katahdin is one issue that a lot of people either email me, call me, stop me in the grocery store wanting to know why that scenic overlook is not plowed in the wintertime. I can understand where the department is coming from, but there are some times you have to bend a little bit backwards. They do go by that road when they normally plow the interstate. They would only have to take 10 feet off the interstate, go up, around and come back on the interstate, so I can't see a big deal, big problem. I even told one of my seatmates, if they want to pay me, I'll take a shovel and go

shovel it for them. But it's a big issue in my area. I'm going to find myself a little at the odd going with the House Chair on this bill, but I want everybody in the House to know why I'm voting the way I'm voting. Thank you.

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

Representative **DAVIS**: Thank you, Madam Speaker. I rise to support the bill. For two years, when I was a member of the other body, I had the privilege of representing northern Penobscot County from southern Penobscot County, and it's about a distance of 100 miles from Sangerville to the main street of Patten. When I went up there, I took the interstate and during the warm months I could stop at that rest area and I could look over Silver Lake, I could look over forestland, and I could look at Katahdin. But from October to May, I couldn't do that. Now the snow plow goes by there, it goes right by there. I don't know how much more it would cost to make a right-hand turn and maybe do 10 or 15 minutes of plowing, but I don't think it's terribly objectionable. It is absolutely an incredibly beautiful spot. It's probably one of the prettiest spots in the State of Maine. If you're driving from Augusta or Portland or Bangor and you're going to Holton, it's a great place to stop and just relax for a minute or two. It just makes good sense to keep this open, Madam Speaker, and I would urge that we defeat the pending motion, and that we go on and pass this and have them do this. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a classic example of a bill that exacerbates the two Maines situation. The two Maines start just south of Pittsfield and go all the way north and whenever you see something shut down it's always up there. I wonder how many rest areas are closed from Augusta south, and I realize that some of them are on the Turnpike in our commercial places. However, I think that its kind of slap in the face of all of those of us who have to travel down from northern Maine to come down and find the rest areas closed and, as Representative Davis indicated, not being able to use the scenic turnout. From my house I can see Mount Katahdin, but in the wintertime it's pretty tough to get a good view of it unless you can get up on that scenic turnout. So I urge you to defeat the pending motion. Thank you.

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

Representative **BLANCHARD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I don't normally disagree with my good friend, the chairman of the Transportation Committee. However, I spent 32 years on a road covering from Kittery to Fort Kent. That view, up and off of 95, as it's been stated, is probably the most beautiful view in the State of Maine. I've pulled in there in the spring when it was open, I'd pull in there in the wintertime when it was open, and there was always cars in there and people taking the beautiful photographs on basically what that looks like, and it is one of the most beautiful sites you've ever seen. I'm afraid that I'm going to have to go against my good friend from Rockland.

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

#### ROLL CALL NO. 260

YEA - Adams, Beaudoin, Beck, Berry, Blodgett, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill,

Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Goode, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Smith, Stevens, Stuckey, Sutherland, Thibodeau, Treat, Trinward, Tuttle, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Blanchard, Boland, Burns, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Greeley, Hamper, Harvell, Hill, Johnson, Joy, Knapp, Knight, Langley, Lewin, Magnan, McFadden, McKane, McLeod, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson W, Robinson, Rosen, Sarty, Schatz, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thomas, Tilton, Valentino, Weaver.

ABSENT - Ayotte, Beaudette, Cushing, Dostie, Millett, Pratt, Theriault, Wheeler.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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#### SENATE PAPERS

The following Joint Order: (S.P. 689)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 17, 2010 at 10:00 in the morning.

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

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#### CONSENT CALENDAR

##### First Day

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

(H.P. 1059) (L.D. 1510) Bill "An Act To Maintain Compliance of Maine's Insurance Laws with National Standards" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-628)**

(H.P. 1161) (L.D. 1633) Bill "An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-629)**

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

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

(S.P. 663) (L.D. 1736) Bill "An Act To Improve Safety on Maine's Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-366)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

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**ENACTORS**  
**Emergency Measure**

An Act To Improve Safety on Maine's Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine

(S.P. 663) (L.D. 1736)

(C. "A" S-366)

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

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

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On motion of Representative MACDONALD of Boothbay, the House adjourned at 11:08 a.m., until 10:00 a.m., Wednesday, February 17, 2010 pursuant to the Joint Order (S.P. 689) and in honor and lasting tribute to Edwin F. Harrington, Sr., of Boothbay Harbor.