

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
22nd Legislative Day
Wednesday, March 17, 2010

Representative PRATT of Eddington assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend Philip M. Tracy, South Portland (retired).
Colors presented by Franco American War Veterans' Color Guard, Post 31, Lewiston.
National Anthem by Melanie Saucier, Fort Kent.
Pledge of Allegiance.
Doctor of the day, Brannon Claytor, M.D., Falmouth.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 734)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO MAKE EXEMPTIONS FROM THE ETHANOL FUEL PROVISIONS OF THE FEDERAL CLEAN AIR ACT OF 1990

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the members of the United States Congress as follows:

WHEREAS, federal laws and regulations, including the Clean Air Act of 1990, the Energy Policy Act of 2005 and the United States Environmental Protection Agency's renewable fuel standard program, have contributed to changes in fuel standards, such as the removal of methyl tertiary butyl ether, known as "MTBE," as an oxygenate in fuel, and have led to the use of ethanol as a replacement for MTBE in reformulated gasoline; and

WHEREAS, reformulated gasoline with 10% ethanol, known as "the E-10 blend," is available for purchase at public fuel pumps; and

WHEREAS, there are many gasoline engines, particularly those in boats, aircraft and older engines in a variety of uses, that will not function properly on the E-10 blend; and

WHEREAS, these engines, particularly boat engines, using the E-10 blend are affected by significant amounts of water becoming trapped in the fuel tank, which separates the ethanol from the reformulated gasoline and causes the engine to stall or fail; and

WHEREAS, these engines that stall or fail may lead to potentially life-threatening situations and are sometimes severely damaged and require costly repairs or replacement; and

WHEREAS, there are many gasoline engines in the State of Maine that are only used seasonally and are at great risk of damage from the E-10 blend if, as is common practice, the unused fuel is left in the tank for extended periods; and

WHEREAS, aircraft are already exempt from using the E-10 blend, as it does not function as a motor fuel at high altitudes; and

WHEREAS, due to the federal Clean Air Act of 1990 the only fuel widely available to the general public for use in boats and older engines is the E-10 blend; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress exempt some grades of motor fuel from provisions of the Clean Air Act of 1990 requiring fuel contain 10% ethanol, in order to make a safe and effective motor fuel available to those who should not use fuel containing ethanol; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

The following Joint Resolution: (S.P. 737)

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2010 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 14-20, 2010 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

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

Non-Concurrent Matter

An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources

(S.P. 654) (L.D. 1682)

(C. "A" S-372)

PASSED TO BE ENACTED in the House on February 25, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372) AS AMENDED BY SENATE AMENDMENT "A" (S-414)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 290)

STATE OF MAINE

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

March 15, 2010

Honorable Elizabeth H. Mitchell

President of the Senate

Honorable Hannah M. Pingree

Speaker of the House of Representatives

124th Legislature

State House

Augusta, ME 04333

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Community College System under the State Government Evaluation Act. In its review, the Committee found that the Maine Community College System is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond

Senate Chair

S/Representative Patricia B. Sutherland

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 291)

STATE OF MAINE

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

March 15, 2010

The Honorable Elizabeth H. Mitchell

President of the Senate

The Honorable Hannah M. Pingree

Speaker of the House of Representatives

124th Legislature

State House

Augusta, ME 04333

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Maritime Academy under the State Government Evaluation Act. In its review, the Committee found that the Maine Maritime Academy is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond

Senate Chair

S/Representative Patricia B. Sutherland

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 292)

STATE OF MAINE

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

March 15, 2010

The Honorable Elizabeth H. Mitchell

President of the Senate

The Honorable Hannah M. Pingree

Speaker of the House of Representatives

124th Legislature

State House

Augusta, ME 04333

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the University of Maine System under the State Government Evaluation Act. In its review, the Committee found that the University of Maine System is operating within its statutory authority.

Sincerely,

S/Senator Justin L. Alfond

Senate Chair

S/Representative Patricia B. Sutherland

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 293)

STATE OF MAINE

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

March 15, 2010

Honorable Elizabeth H. Mitchell

President of the Senate

Honorable Hannah M. Pingree

Speaker of the House

124th Maine Legislature

Augusta, ME 04333

Dear Madam President and Madam Speaker:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Finance Authority of Maine. In its review, the committee found that the Finance Authority of Maine is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth M. Schneider

Senate Chair

S/Representative Nancy E. Smith

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 294)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333

March 17, 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 Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1793

An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency

L.D. 1794

An Act Regarding Solid Waste Facilities

L.D. 1797

An Act Regarding Planning for the Management of Solid Waste

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.

The Following Communication: (S.P. 736)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 15, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:
Please be advised that Governor John E. Baldacci has
nominated the following to the Maine Land Use Regulation
Commission:

Ernest B. Harvey of Greenville, reappointment
Steve Schaefer of Grand Lake Stream, reappointment
Edward Lavery of Milo, reappointment
James Nadeau of Winterville Plantation, reappointment
Rebecca Kurtz of Phillips, reappointment
Gwendolyn Hilton of Starks, reappointment
Sarah Farrand of Beaver Cove, appointment
Pursuant to Title 12 M.R.S.A. §683 this nomination will require
review by the Joint Standing Committee on Agriculture,
Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND
FORESTRY**.

READ and **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY in
concurrence.

The Following Communication: (S.C. 693)

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

March 16, 2010

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Education and
Cultural Affairs, the nomination of Dennis P. King of Freeport for
reappointment to the Maine Community College System, Board
of Trustees.

Upon the recommendation of the Committee on Education and
Cultural Affairs, the nomination of Robert P. Clark of Fort Fairfield
for reappointment to the Maine Community College System,
Board of Trustees.

Upon the recommendation of the Committee on Education and
Cultural Affairs, the nomination of Cynthia Phinney of Livermore

Falls for reappointment to the Maine Community College System,
Board of Trustees.

Upon the recommendation of the Committee on Education and
Cultural Affairs, the nomination of Paul J. Mitchell of Waterville for
reappointment to the University of Maine System, Board of
Trustees.

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

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative MARTIN of Eagle Lake, the
following Joint Resolution: (H.P. 1301) (Cosponsored by
Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE
of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford,
BEAULIEU of Auburn, BECK of Waterville, BERRY of
Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town,
BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of
Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT
of Windham, BURNS of Whiting, BUTTERFIELD of Bangor,
CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston,
CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer,
CHASE of Wells, CLARK of Millinocket, CLARK of Easton,
CLEARY of Houlton, COHEN of Portland, CONNOR of
Kennebunk, CORNELL du HOUX of Brunswick, COTTA of
China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of
Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING
of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth,
DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of
Hudson, EATON of Sullivan, EBERLE of South Portland,
EDGECOMB of Caribou, EVES of North Berwick, FINCH of
Fairfield, FITTS of Pittsfield, FLEMINGS of Bar Harbor,
FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna,
GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast,
GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford,
HANLEY of Gardiner, HARLOW of Portland, HARVELL of
Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of
York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT
of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville,
JONES of Mount Vernon, JOY of Crystal, KAENRATH of South
Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of
Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston,
LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot,
LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of
Stockton Springs, MARTIN of Orono, MAZUREK of Rockland,
McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of
Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of
Waterford, MITCHELL of the Penobscot Nation, MORRISON of
South Portland, NASS of Acton, NELSON of Falmouth,
NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of
Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg,
PERRY of Calais, PETERSON of Rumford, PIEH of Bremen,
PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of
Lexington Township, PIOTTI of Unity, PLUMMER of Windham,
PRATT of Eddington, PRESCOTT of Topsham, PRIEST of
Brunswick, RANKIN of Hiram, RICHARDSON of Carmel,
RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of
Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland,
SANBORN of Gorham, SARTY of Denmark, SAVIELLO of
Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of
Turner, SMITH of Monmouth, SOCTOMAH of the
Passamaquoddy Tribe, STEVENS of Bangor, STRANG
BURGESS of Cumberland, STUCKEY of Portland,

SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, Acadiens français était parmi les premiers Européens à habiter en Amérique du Nord, et ils ont laissé un héritage culturel important dans le Maine; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone au Capitole de l'État; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'État; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, au Capitole de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-quatrième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 17 mars, 2010 est le Jour Franco-Américain, soit célébré au Capitole de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France, and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, French Acadians were some of the earliest Europeans to inhabit North America and they have left an important cultural legacy in Maine; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State, and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, proclaim that Wednesday, March 17, 2010 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House and all of our guests that are here today. Speaking on the record but obviously on the resolution and pleased to be the sponsor of the resolution today honoring Franco-Americans, who basically are in every corner of this state and the bloodline of most people, even most people sitting in this chamber, even though their name may not be Franco but they have Franco blood. And it's also interesting how many people and how many families in this state over the years frankly had to change their names, 50 and 100 years ago, in order to survive in this state, where names have basically disappeared and now when they go through their heritage trying to get genealogy done, they find three generations back their original name and so much of that is now coming forth today with the work that is being done by archives in Lewiston, in Fort Kent and other places, and we're really pleased to be part of that today. In part, today we honor those people who have been before us and of course, I, in my case, for those of you who may not know, my father has direct roots to Quebec before the Mayflower and my mother was actually on the Acadian side coming through Nova Scotia and so the St. John Valley basically comes from that root. Then you take a look at what took place along the border and those people who came through Quebec into Biddeford, into the mills of Biddeford and Auburn and Lewiston and Old Town, and those people who have gone and

been the backbone of many families in this state. So this resolution, in part, is for them and for all who have served us and served this state so well, and so I am pleased to be the sponsor and be part of this day today.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence. **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Normand Angers, of Lewiston, for his contributions to the Franco-American community of Maine. Mr. Angers volunteers countless hours to the Maine Franco-American Genealogical Society in Lewiston, and has helped many people at the center learn about their genealogy. We acknowledge his commitment to his community and to the State of Maine. We extend our appreciation and best wishes to him on Franco-American Day;

(HLS 996)

Presented by Representative ROTUNDO of Lewiston.
Cosponsored by Senator MARRACHÉ of Kennebec, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative BICKFORD of Auburn, Representative BOLDUC of Auburn, Representative CROCKETT of Augusta, Representative CROCKETT of Bethel, Representative GILBERT of Jay, Representative LAJOIE of Lewiston, Representative MAGNAN of Stockton Springs, Representative MARTIN of Eagle Lake, Representative PRATT of Eddington, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator CRAVEN of Androscoggin, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator SIMPSON of Androscoggin, Senator SULLIVAN of York.

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

READ.

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

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Normand Angers is a lifelong resident of Lewiston, who has volunteered thousands of hours to his community in an effort to reconnect Franco-American families to their ancestors. Normand has guided well over 100 families to their French roots and helped them to trace their genealogy. He is the president of the Maine Franco-American Genealogical Society and has been for the past six years. He has been involved in the society for over 20 years as librarian and research director and still opens the genealogical center five days a week. I and my colleagues are honored to recognize Normand and his dedication to Lewiston and the proud history of Franco-American heritage in Maine. Congratulations, Normand, on your induction into the Franco-American Hall of Fame.

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

Recognizing:

the Honorable Severin Beliveau, of Hallowell, a former member of the Maine State Legislature and a prominent attorney, on his induction into the Franco-American Hall of Fame. Mr. Beliveau is known throughout the State for his significant contributions to not only Franco-American culture but to public issues, environmental projects and international trade. Born in Rumford to a distinguished family of Maine lawyers and judges, Mr. Beliveau has a long and dedicated history of civic involvement and is the recipient of numerous professional awards. Since 1991, he has been the French Consular Agent from the State of Maine and is the recipient of the French Legion of Honor Award, the highest distinction France awards civilians, for his leadership on key projects to improve the relationship between Maine and France. We acknowledge Mr. Beliveau's commitment to francophone culture and to the State of Maine. We congratulate him on his well-deserved induction into the Franco-American Hall of Fame;

(HLS 997)

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator McCORMICK of Kennebec, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative BOLDUC of Auburn, Representative CROCKETT of Augusta, Representative CROCKETT of Bethel, Representative GILBERT of Jay, Representative LAJOIE of Lewiston, Representative MAGNAN of Stockton Springs, Representative MARTIN of Eagle Lake, Representative PRATT of Eddington, Representative ROTUNDO of Lewiston, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator CRAVEN of Androscoggin, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator MARRACHÉ of Kennebec, Senator SIMPSON of Androscoggin, Senator SULLIVAN of York.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It is a particular honor for me to be the one to be able to present this sentiment to the House and I actually wish that Severin Beliveau was here to hear this because I so frequently vote against the many clients that he is lobbying on behalf of. And I think that's really what I wanted to say to the House today because we as legislators encounter people in various guises and the guise that we know of Severin Beliveau is as the consummate political insider, the lobbyist who comes to us on behalf of many clients, the former politician, the former candidate for Governor. But there is another side of Severin Beliveau and I think it may be a side of him, an aspect of things that he does that brings to him probably the most satisfaction and joy, and I haven't consulted with him on that but I would be surprised if it were not so, and that is the work that he has done on behalf of the Franco culture and Franco heritage here in the State of Maine and around the world. Although some of those accomplishments have already been read off on the sentiment that you just heard from our good Clerk, I did want to touch on a few of those.

He created the U.S. office and serves as president of the Forum Francophone des Affaires, an international organization which has promoted economic development in 49 French speaking regions of the world. And I almost thought today we

were going to have emissaries from each of those 49 and we may work on that for the next special day. He has attended international conferences of the organization in Vietnam, Canada and in France. For 20 years, he has served as honorary consul of France in the State of Maine. He is a strong supporter and contributor of the Franco-American Heritage Center in Lewiston and the Franco-American programs at the University of Maine and the University of Southern Maine. He organized in 2005 Maine's first trade mission to France with conferences in Lyon and Paris. In conjunction with the Maine International Trade Center, he is organizing the Chief Executive's final international trade mission to France this fall. As mentioned, he has been presented with the French Legion of Honor, which is a really big deal. And finally, Severin was appointed professor of Franco-American studies at the University of Maine and has delivered a lecture on "Maine's French Reality" at the University of Maine Presidential Lecture series. So as you can see this honor is very well deserved and I appreciate your support of this sentiment today.

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

Recognizing:

Jean Francois Dionne, of Grand Isle, on his induction into the Franco-American Hall of Fame. Mr. Dionne joined the Association des Dionnes d'Amerique in 1987 and took part in organizing the first Dionne reunion on Ile d'Orleans in Quebec, commemorating the 350th anniversary of the arrival of Antoine Dionne, his wife Catherine Ivory and their son Andre. He also contributed to the promotion, growth and organization of the association's membership in the United States, his contributions making the 1990 Riviere-du-Loup/Kamouraska reunion a great success. Mr. Dionne is a talented singer and has taken part in many French concerts in the United States and Canada. He is the first Franco-American recipient of the prestigious Prix Meritas. We congratulate Mr. Dionne on his being inducted into the Franco-American Hall of Fame;

(HLS 998)

Presented by Representative AYOTTE of Caswell.

Cosponsored by Senator JACKSON of Aroostook, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative BOLDUC of Auburn, Representative CROCKETT of Augusta, Representative CROCKETT of Bethel, Representative GILBERT of Jay, Representative LAJOIE of Lewiston, Representative MAGNAN of Stockton Springs, Representative MARTIN of Eagle Lake, Representative PRATT of Eddington, Representative ROTUNDO of Lewiston, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator CRAVEN of Androscoggin, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator SIMPSON of Androscoggin, Senator SULLIVAN of York.

On **OBJECTION** of Representative AYOTTE of Caswell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **AYOTTE**: Madame la Présidente, Madames et Messieurs de la maison. Ca me fais grand plaisir de prend cette occasion de dir merci et bienvenue a tous les jeans de la vallée St. Jean dans la Comté d'Aroostook dans l'états de Maine. Merci pour avoir voyagers si loin pour être avec nous a la journée Franco-Américain.

Madam Speaker, Ladies and Gentlemen of the House. I want to say a special welcome to the people of the St. John Valley who have traveled so far to be with us today on Franco-American Day in the state capital of Augusta in the great State of Maine. A special thank you to the people of Madawaska, Grand Isle, Van Buren, Hamlin and Cyr Plantation.

Today is especially significant to the people of French heritage, both of Canadian and Acadian heritage because it honors the successes and accomplishments which they have worked so hard to attain. I want to mention their work in the textile mills of southern Maine to the fields and the forests of northern Maine.

Today John F. Dionne, one of our own from Grand Isle, Maine has been chosen to receive the Franco-American Award. Incidentally, I did tell John that I intended to submit his name for nomination. I believe it pleased him, although he was a very humble person. Sadly, John passed away on February 19th of this year. However, his family has graciously accepted to be here today on his behalf to accept the award. I want to say a special welcome to the Dionne family, John's wife Margo and their children: Francine, Georgette, Jean-Paul, Luc, Luce, Suzanne, Carman and Claire.

I do want to take a moment to say a special thank you to the Aroostook Delegation who are also members of the Franco-American Caucus for supporting the nomination of John Dionne. I want to extend a special thank you to Representative John Martin, of Eagle Lake, Representative Ken Theriault, of Madawaska, and our own Senator Troy Jackson from the great Allagash Region for supporting the nomination.

John Dionne dedicated a great part of his life to supporting and promoting the French language, culture, tradition and customs. John wanted very much to keep their history alive so that the young people of today would know how hard their ancestors worked to clear the lands, till the fields, build their homes and establish viable communities. They built churches, schools and meeting places, where many of the artifacts still are to this day in the Acadian Heritage Village in Van Buren and the Tante Blanche Museum in Madawaska. I can remember John telling me how he loved the story of Evangeline by Henry Wadsworth Longfellow and felt that each child in grade school should know the story. I can still hear the last stanza myself being read to me as a child, always with tears in my eyes, as if Evangeline held Gabriel in her arms. "Still stands the forest primeval. The murmuring pines and the hemlocks, bearded with moss, in garments green, indistinct in the twilight, stand like druids of eld, with voices sad and prophetic." It is no doubt one of the finest love stories ever told of the Acadian people. How John loved to sing the song of Evangeline.

John did not champion the French language or heritage because he felt it to be a group that was discriminated against. Rather, he championed the French people because he loved the language, its history, its customs and traditions and John was proud of his heritage. He would always jokingly mention how he was happy that he married a French lady because he loved French cuisine.

John also insisted that all of his children learn the French language, know its customs and culture. It would certainly be an incomplete biography if one did not mention the important role the Catholic Church played in the Dionne's family life. John sang the Latin High Mass on Sunday and at major feast days. It was also a tradition in the French household of years ago that each child receive a paternal benediction from the father on New Year's Day. This custom was upheld faithfully on each New Year's Day in the Dionne family.

It is also important to note that John Dionne was truly a renaissance man, in that he not only was very pragmatic in his work and obligations, but he was also a very astute businessman. He also took time to pursue the cultural and artistic side of life and even attended the Boston Conservatory of Music where he took singing lessons and voice lessons. It is important to remember that it was rather a rare occurrence in the 1940s for a young man from a farming family in Maine to attend a conservatory in Boston.

John was instrumental in helping the local farmers increase their share of the potato market, and was adamant in getting farmers to use the latest technology and innovations, in helping them to increase the quality and production of their crop. In many ways John was a true visionary in that he wanted northern Maine to participate and enjoy in the development in southern Maine. John helped to establish the bus line that now currently runs between Fort Kent and Portland.

As David Cole, Commissioner of Transportation, can tell you to this day, John was the greatest promoter that northern Maine ever had in championing the North South Highway. I have mentioned to Commissioner Cole many times that if the North South Highway is ever completed, and I know that someday it will be, it should be named the John F. Dionne Memorial Highway.

John was the quintessential visionary, a man ahead of his time. When other men wondered, he knew what action to take. People tell that when John was a young boy working on the farm, the hired hands would ask him what to do. He was a natural born leader. John went to college when that was the most rare thing to do that time in northern Maine.

In closing, John had a quality about him that carried a sense of dignity and aristocracy. Some awards, like the Nobel Prize and the Presidential Medal of Freedom give prestige and honor to the person receiving them. I can tell you that in this case, the Franco-American Award has rather received prestige and honor because John Dionne has received it. John will live on in the hearts, not only in his family, but in the people who knew him because he loved the French people and he wanted a better life for them.

It is often said that the greatest thing that can be said about a person is that because he lived the world is a better place. Congratulations John and thank you for making the world a better place. Thank you.

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

Recognizing:

Annette Lebel Daigle, of Fort Kent, on her induction into the Franco-American Hall of Fame. Mrs. Daigle has been very active in her community and committed to her French heritage. She and her husband Bert raised their 3 children with strong Franco-American values and to speak French. She has been the recipient of numerous awards and recognitions. She is the recent past president of the Fort Kent Historical Society and the recipient of the Acadian Achievement Award from the Maine Acadian Heritage Council. Mrs. Daigle has received the Member of the Year Award from Fort Kent Business and Professional Women and has served for 10 years on the Aroostook Area Agency on Aging board. She is strongly involved in her church and was named Mother of the Year by the Ladies of Sainte Anne in 2001. She is a lifetime member of the Veterans of Foreign Wars Auxiliary and past president of the Northern Maine Medical Center Guild. We acknowledge Mrs. Daigle's service to her community and to the State of Maine, and we congratulate her on her induction into the Franco-American Hall of Fame;

(HLS 999)

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Senator JACKSON of Aroostook, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative BECK of Waterville, Representative BOLDUC of Auburn, Representative CROCKETT of Augusta, Representative CROCKETT of Bethel, Representative GILBERT of Jay, Representative LAJOIE of Lewiston, Representative MAGNAN of Stockton Springs, Representative PRATT of Eddington, Representative ROTUNDO of Lewiston, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator CRAVEN of Androscoggin, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator SIMPSON of Androscoggin, Senator SULLIVAN of York.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. It is my pleasure to be the sponsor of this resolution today in honor of Annette Daigle. I've known the family since my high school days in Fort Kent, a few years ago as you might suspect, and obviously have known them throughout all of the years that I've been in the Legislature. One of the things that I remember best probably was her involvement with the historical society, in part because they are one of the few communities in this state who decided to take on the job of preserving a train station. There aren't many left in this state anymore but there is one in Fort Kent and she served as president, and just a few months ago, left over the reins to someone else.

Also, one of the things that she did and actually is singly responsible in many ways for is the preservation of what is now known as the Dube House on Station Hill in Fort Kent. It really is a joy and a gem to the community. Once you go back up to the Can-Am, for those of you who will plan to go next year, you've got to take a look at that and see how well preserved that has become. Extremely active in the community, obviously at the guild and at the hospital, former president there as well, and frankly she has received many awards but today I think and I hope this is the best award she could ever have as being into the Franco-American Hall. I would also point out that her son is here today, Peter. I taught him my first year in high school. That will tell you how old he is. But we're really pleased to have them both here today and we are so happy to have you accept the award.

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

In Memory of:

the Reverend Gilbert Patenaude, of Augusta. Father Patenaude was a graduate of St. Augustine School in Augusta and St. Charles Borromeo College in Sherbrooke, Quebec and studied theology at St. Augustine Seminary in Toronto, Ontario. He was ordained in Portland on June 15, 1946. He served in numerous parishes throughout Maine and retired in 1989. In addition, Father Patenaude served 7 years in the Maine Army National Guard and 16 years in the United States Army Reserve as a chaplain, retiring with the rank of Lieutenant Colonel. After retiring he continued his ministry by helping out various area parishes on weekends. He was also a Registered Maine Guide for more than 40 years. Father Patenaude was a lifetime

member of Le Club Calumet and served as chaplain for the club for more than 10 years. Le Club Calumet honored him with La Medaille d'Honneur in 2005 for extraordinary accomplishments. As chaplain of Le Club Calumet, he was devoted to the members and their families. He also visited the veterans hospital at Togus, Maine General Hospital in Augusta and area nursing homes. Father Patenaude will be missed by his loving family, his many friends and the people whose lives he touched;

(HLS 789)

Presented by Representative CROCKETT of Augusta. Cosponsored by President MITCHELL of Kennebec, Representative BLODGETT of Augusta, Representative BROWNE of Vassalboro.

On **OBJECTION** of Representative CROCKETT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It is only fitting that we honor Reverend Patenaude today on Franco-American Day. Father Patenaude was a lifetime member of Le Club Calumet and served as its chaplain for over 10 years. The club honored him with the medallion of honor in 2005 for extraordinary accomplishments. Father Patenaude loved gardening and for many years he had a weedless garden and there were remarkably perfect rows of abundant produce, most of which he donated to the community. He was brought up in a family that loved music and he enjoyed singing and performed at weddings and funerals, as well as theatrical productions. Father Patenaude was also a Registered Maine Guide for over 40 years. He enjoyed woodworking and he built Canadian gliders for many friends and relatives. He was well known and an experienced dowser with over 311 wells recorded. You can tell Father Patenaude had a wide variety of interests but, first and foremost, he enjoyed his ministry and loved helping people. He was a faithful servant who led by example.

Family relationships were especially important to Reverend Patenaude. He cherished time spent with his siblings, nieces, nephews, great-nieces and nephews, and he helped them all in any way he could. I am pleased that his family is with us in the gallery today. 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. I first met Father Gilbert Patenaude when he came to visit his brother, Larry Patenaude, was a pastor in Eagle Lake for many years and kept contact with him after that, and then when he retired here to the Augusta area in fact became literally one of the available priest/minister/rabbi that we could always count on to come to the House to do the opening prayer. He was always willing and always willing to help us and I really have to say that he was one of those persons that I respected, primarily because he was always willing to serve, and so I am pleased to concur with this memorial today.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
VALENTINO of Saco
SIROIS of Turner
BRYANT of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-355)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

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

READ.

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

Representative TARDY of Newport **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 Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the pending motion. I urge you not to be fooled by this bill. It purports to remove the meals and lodging tax that is applied to retirement homes. It will not. Even if it passed this body, even if it could pass this body and it went to the other body and they reversed their position of yesterday, it would go to the Appropriations table where it would die. Anyone who thinks differently is kidding themselves and we should all know better. Anyone who says differently is misleading the people of Maine. The truth is that every person in this chamber has already voted on this issue on more than one occasion. Removing the meals and lodging tax on retirement homes was part of not one but two bills that we considered about 10 months ago, LD 1088 and LD 1495, the so-called tax reform bills. This body passed them both and one became law, but that has been delayed now because of the people's veto process. It will be on the ballot in June.

The truth is that removing the meals and lodging tax on retirement homes would be the law of the land today and fully paid for had it not been for the signature gathering effort that has brought about the people's veto. And the irony here is that the sponsor of this bill is the very person who led that effort to collect signatures. The truth is that the people's veto is before us and any action that involves taxes included in the tax package is unconstitutional.

I think it's worth noting that there were many bills proposed this session to tweak part of the tax package that we passed last year. Every single one of them was rejected by bipartisan vote by the Legislative Council because they could not be allowed in. This bill is only before you because it's a carryover bill and thus the Legislative Council did not have to deal with it.

Bills like this are sometimes called feel-good bills because you can vote for them and let Appropriations worry about it later, you can feel good about doing what you think is the right thing. But this one is not that simple. This one is a little bit more sinister. It is not only irrelevant and fiscally irresponsible, it is unconstitutional and it is misleading.

I was pleased when the other body voted on this issue yesterday. I was pleased because it was not a strict bipartisan vote. A couple of Republicans voted with the majority because they know what is the right thing to do here. I know that the people of this chamber, the members of this chamber generally want to do the right thing, and I would say that you have that opportunity today by voting for the pending motion.

Another summary of this issue before us today is this: It's the right issue to correct. Indeed we had some bills to do it last year, but this vote is not the way to do it. Everyone in this chamber, indeed everyone in the State of Maine has the chance to weigh in on this issue but the time is June 8th. Thank you very much.

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I would just like to clarify, perhaps correct my good friend from Unity. The lead sponsors of this legislation are the Senator from Penobscot, Senator Perry, and the Representative from Augusta, Representative Crockett. Thank you.

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

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I highly respect the Representative from Unity, Representative Piotti; however, I do beg to differ on this. The reason why this bill was brought forth was an interpretation, once again, from the Maine Revenue Services on something that was in existence, but when they did an audit they determined that there was something that they should have re-looked at and then decided to start taxing these particular entities. We believed at the time that it was not the intent of the Legislature to do this, that this was an unfortunate interpretation and an unfortunate assessment against this particular group of people from the retirement facilities, that they should be charged sales tax on their meals. Unfortunately, it was done and, once it's done, it seems that it automatically gets put right into the baseline and therefore to change it you have to have a means of filling a hole that is created by making something right that never should have been done. We were moving forward to do this; it was incorporated, yes indeed, in the package that was put forth last year because it would make that package much sweeter to vote for. Again, I think it's unfortunate that this particular bill or this particular situation has been a political ping pong back and forth, but I say today that, yes indeed, we can vote to reject the Ought Not to Pass and that there are priorities, Ladies and Gentlemen, priorities that have to be taken into consideration when you put funding forward for different projects and events and errors. And this is an error that should be corrected, it should be corrected at the Appropriations table. It's not a bad thing to vote against this and I urge you to not support the Majority Ought Not to Pass. Thank you.

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. My colleague from the Taxation Committee, the good Representative from Wells, is exactly right on the history of this issue. It was brought to the Taxation Committee when it was discovered that Maine Revenue was doing audits on retirement homes. Now we have in place in the tax code a sales tax exemption exempting nursing homes from the meals tax, but when that law was passed, retirement homes, assisted living homes didn't exist. Therefore, when Maine Revenue began its audits, which it normally does, it found a retirement home, an assisted living home that's not on the exemptions and so they began audits. We decided to fix the problem, as the good Representative from Wells pointed out, and we did. We fixed the problem and we paid for it within the tax cut bill that's up on a veto vote now for June 8th. That was the responsible way to do it.

To do it now and try and cherry pick one of the items out of the tax reform measure that happens to be a politically hot one, I guess you'd say, is nonsense and it is close to being in violation of the Constitution because it is now making an issue of something that is pending for a vote by the entire electorate of the State of Maine. The law court has said repeatedly that you cannot do that, you cannot make an issue of language that is to be the subject of a people's veto just a few short months away. We did this right. We corrected this. We stopped the audits at Maine Revenue Service and we corrected this and we did it in a fiscally responsible way by paying for it as a part of the reform package. If we try to do this now, if we cherry pick this now and send it up, it's a \$500,000 fiscal note. It will feel good, we can tell people in retirement homes we're taking care of you but, of course, we can't pay for it. All it is is a political gimmick to try and bring one issue that's up for a vote on June 8th and act upon it prematurely. It is irresponsible to do, it is irresponsible to pass this with a half a million dollar fiscal note when the same measure is contained within the tax reform package and paid for within the tax reform package. I urge you please to back the Majority Ought Not to Pass Report. Thank you, Madam Speaker.

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

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. First, I want to thank my colleague from Newport, Representative Tardy, for correcting me. He is absolutely correct. I had my facts confused. What I forgot is that the Senator that I was referring to had a new bill to do exactly this that Legislative Council dismissed. It all gets a little confusing. The same point, however, holds.

I did want to comment on something said by the Representative from Wells, Representative Chase, and that is this item was added to the tax reform bills in order to sweeten it. Nothing could be further from the truth. Those of you who were part of pulling those efforts together know that it was four years of hard work, trying to figure out what was good policy for the State of Maine. There had never been with that package an approach of let's decorate the Christmas tree in order to get people excited about some piece. It was always let's look big picture at what is best for the State of Maine. The Representative from Wells, Representative Chase, is absolutely correct in stating that this is an item that Revenue Services started without legislative authority, without us specially dealing with this issue to apply the tax to assisted care living and retirement facilities, because when meals and lodging was created earlier, it did not exist. She was absolutely correct and unfortunately those kinds of things happen often. I do not blame Maine Revenue Services when that happened. They are doing their job. We ask them all the time to collect more money without giving them any means to do so and

they can be very creative. It's a problem for the business community. It's a much bigger problem than just this issue, and it is a problem that the bills that this body acted on last year addresses not just with this but with requiring a rulemaking process for future changes of interpretation. So tax reform was not meant to pick off one or two things like this that people could get excited about. It was meant to change some significant fundamental underlying problems in our tax system, of which this is one, and many others. I do not feel that it was put in to sweeten it, but I do think the package is sweet enough. If \$50 million worth of tax relief, if stable state revenues, if having the opportunity to have our tax code urge and support and spur economic development rather than restrain and hinder it, if those aren't sweet enough, I don't know what is. 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 voted against the tax bill because of taxing of repairs on vehicles and now taxing the labor. I still feel the same way that I probably could have supported the bill if it wasn't for that. When I read this here, I'm all the more convinced to vote against the tax bill. I will be supporting the Minority Report. Thank you.

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

Representative **KNIGHT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, have a great deal of respect for Representative Piotti, who chaired the Tax Committee two years ago when we struggled with tax reform. As I stand before you today, I still feel very strongly that a tax reform measure is something that we need to work on in this body at some point. What's before us today is not tax reform; it's a specific, specific problem that's occurred inadvertently through the Maine Revenue Service's interpretation.

Just yesterday, two days ago actually, we had a similar situation come up before the Tax Committee on taxing disposal of tires, when you buy new automobile tires for your car. The same exact process. They started doing audits and during that process they decided it was appropriate to charge 5 percent for disposal of automobile tires. This was not right, this is not what the Legislature had voted for in the past and thought and worked on this at some length.

One of the problems in this body and we all know is this problem with fiscal notes. In this particular case, we came up with a resolution unanimously, and if you haven't heard this hear it now for the first time, unanimously the Tax Committee agreed that we would fund this disposal fee, problem of tires, by taxing marijuana. And, interestingly, we asked for the fiscal note, we knew we'd get one anyway, and the fiscal note was determined of \$75,000, would come in from selling medicinal marijuana. The fiscal note on the disposal fee for tires came in insignificant, zero. Interesting. Strange, I think we might all agree. All of the sudden, a bill that is before us, collecting fees, Maine Revenue Service, no money, zero. This is exactly the same as this bill before us on meals. This was a new attempt by Maine Revenue Service, a new interpretation. This is not about trying to determine whether or not we should or shouldn't have tax reformation. At some point we've got to address our inequitable tax methodology in this state. Approximately 43 percent of our taxes at the individual level, our property tax is about 37, or 8 percent income taxes, 17 or so sales taxes. That's got to be addressed. That's not the bill before us. This bill before us is a bill on charging grandmother or granddad, who are eating in their apartment, no problem, no taxes. But they walk out into the hallway, join with their friends from across the hall in the common

dining room and there is a tax, a sales tax, having lunch at their place of residence. Ridiculous, never intended by this legislative body. I say defeat this motion, send it up to Appropriations and let them prioritize and address this as it should be addressed and eliminate the taxes on the elderly. Thank you, Madam Speaker.

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. 288

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

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

ABSENT - Blanchard, Butterfield, Clark T, Cohen, Greeley, Jones, Kent, Robinson, Rosen.

Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Prohibit Surcharges on the Use of Debit Cards"

(H.P. 1266) (L.D. 1779)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
LEGG of Kennebunk
MORRISON of South Portland

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:
 FOSSEL of Alna
 WEAVER of York
 RICHARDSON of Warren

JONES of Mount Vernon
 SANBORN of Gorham
 JOY of Crystal
 LEWIN of Eliot
 STRANG BURGESS of Cumberland
 STUCKEY of Portland
 EVES of North Berwick

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

ROLL CALL NO. 289

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

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

ABSENT - Beaudette, Bryant, Butterfield, Clark T, Greeley, Harvell, Kent, Robinson, Rosen.

Yes, 91; No, 51; Absent, 9; Excused, 0.

91 having voted in the affirmative and 51 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 18, 2010.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-721)** on Bill "An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention"

(H.P. 1130) (L.D. 1592)

Signed:

Senators:

BRANNIGAN of Cumberland
 MARRACHÉ of Kennebec
 MILLS of Somerset

Representatives:

PERRY of Calais
 PETERSON of Rumford

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

Signed:

Representative:

CAMPBELL of Newfield

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-721)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 18, 2010.

CONSENT CALENDAR

First Day

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

(H.P. 1283) (L.D. 1795) Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1090) (L.D. 1548) Bill "An Act To Prevent the Spread of Invasive Plants and Protect Maine's Lakes" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-724)**

(H.P. 1105) (L.D. 1568) Bill "An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-731)**

(H.P. 1197) (L.D. 1696) Bill "An Act To Strengthen the Community-based Renewable Energy Pilot Program" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-730)**

(H.P. 1205) (L.D. 1704) Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)**

(H.P. 1279) (L.D. 1791) Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-734)**

(H.P. 1288) (L.D. 1802) Bill "An Act To Exempt Personal Constituent Information from the Freedom of Access Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)**

(H.P. 1291) (L.D. 1803) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-723)**

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

(H.P. 1151) (L.D. 1623)
(C. "A" H-706)

Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs"

(H.P. 1167) (L.D. 1639)
(C. "A" H-699)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

CONSENT CALENDAR

Second Day

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

(S.P. 578) (L.D. 1500) Bill "An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code" (EMERGENCY)

(S.P. 627) (L.D. 1662) Bill "An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas" (C. "A" S-402)

(S.P. 631) (L.D. 1666) Bill "An Act To Improve the Seed Capital Investment Tax Credit Program" (C. "A" S-404)

(S.P. 683) (L.D. 1776) Bill "An Act To Protect Teacher Retirement Income" (C. "A" S-405)

(S.P. 698) (L.D. 1787) Bill "An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws" (C. "A" S-403)

(H.P. 333) (L.D. 445) Bill "An Act To Improve Tribal-State Relations" (C. "B" H-714)

(H.P. 875) (L.D. 1256) Bill "An Act To Prohibit Predispute Mandatory Binding Arbitration Clauses in Consumer Contracts" (C. "A" H-715)

(H.P. 999) (L.D. 1423) Bill "An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses" (C. "A" H-712)

(H.P. 1129) (L.D. 1591) Bill "An Act To Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation" (C. "A" H-720)

(H.P. 1249) (L.D. 1755) Resolve, To Review Sales of Dairy Products (C. "A" H-716)

(H.P. 1259) (L.D. 1769) Bill "An Act To Extend Access to Federal Health Insurance Premium Assistance" (EMERGENCY) (C. "A" H-722)

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.

(H.P. 1278) (L.D. 1790) Bill "An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues" (C. "A" H-719)

On motion of Representative TARDY of Newport, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Establish the Silver Alert Program"

(H.P. 1138) (L.D. 1610)
(C. "A" H-709)

Bill "An Act To Expand Options in the Permanency Plan for Children in Foster Care"

Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs"

(H.P. 557) (L.D. 821)
(C. "A" H-625)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Eliot, Representative Lewin.

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Before we go about this roll call vote, there's just a little bit of history I'd like you to have on this bill.

My department first heard this bill a year ago and it was very controversial at the time for some of us. There are a few things that I think you need to know about it. First, we were told that this bill was being brought to empty out the medicine chests all over the state that were loaded with drugs that someone could not use or had not used or someone had passed away. And frankly, I think that's a great idea. We should get those drugs out of the house. Then we heard that there was a report that said four percent of the ground water has been fouled by medications in the water. So we asked some questions about that and we didn't have a whole lot of answers. Since we talked about that, we found out that of the four percent, 90 percent of the drugs that are in the water are excreted normally. The other 10 percent may well be drugs that are being flushed down the toilet because people simply have no idea what to do with them, so they are getting rid of them that way. We heard that it's a great idea to take unused drugs and crush them up and put them in kitty litter and throw them in the landfill, so that was the prescribed method of getting rid of them. So we heard all about that.

Then we heard a number of things about how we are actually going to go about doing this and the truth of the matter was that there really wasn't any plan for how to do this. The only plan was that we were going to assess all the manufacturers of medications, who sell them here in Maine, a particular amount of money to come up with a program that would be a mail back program to get these things out of the house. We heard that we were going to have manufacturers print up some education material and give it out at the pharmacies. We heard that the pharmacies would be giving out an envelope of sorts to mail these things back or drop them off at the pharmacy. We heard a whole lot of things but there wasn't any real plan. There wasn't a time action calendar of when we do it and there were not a lot details about how the manufacturers, who were going to pay for this, were going to do that either. So there was sufficient conversation about it that there were several meetings held over

the course of the summer, the bill was carried over. I went to all but one of those meetings, and in all of those meetings that went on for two or three hours or more, every time we left the meeting room there were more questions than there were answers about this bill. To me, that's testimony that there wasn't a real good plan, and we really didn't know what we wanted to do other than we wanted to get the drugs out of the house.

During one of those meetings, we heard that what we really wanted the bill to do was to start collecting data on how many drugs there were in the house. We also heard that perhaps doctors who are over-prescribing medications, maybe that's why all those drugs were in the house. So we heard a whole lot but we didn't get a very clear direction. Ultimately, the last conversations that we had were that manufacturers would pay and organize a program, which they could do collectively if they wanted to or on their own, provide educational material and provide envelopes to get these drugs out of the house. So it's really been kind of a mess from the get go as far as I'm concerned. I think it's a great idea to get this stuff out of the house. I think that we don't want to be doing it by mail. I think it should be a voluntary program, and I think assessing a charge, as I understand there is an amendment in the other body, there will be an assessed charge to the pharmaceutical companies to run a program that will be a voluntary program that will ask police, whether its sheriffs or local police, to take these things back. I think we need to remember that there are only 15 sites in this country that take toxic material back and destroy it. These things could have to go to a toxic dump. Ultimately, it's going to cost some considerable money to do this and it may be fair to have the pharmaceutical companies participate in some way, but I do believe it's a responsibility of the state as well. So I'm not at all happy about this bill and I haven't been all along and I've been the one bigmouth fussing about it, because I think something needs to be done, but I think we need to learn to act with some degree of reason with a plan. We should know what we really want to do and we should have an idea of how to do that and I don't think we've gotten there yet. So I'm very concerned about the bill and I just wanted you all to have that bit of history. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm going to give you a little bit about what this bill has gone through. First of all, it's a product stewardship bill, which essentially says that the manufacturer has some responsibility as to the waste that happens at the end of the life of the product. We, as Maine, have other systems that have been set up. I think recently we passed the fluorescent light bill for an end of life product stewardship program. Most of the product stewardship programs allow the manufacturers to develop a program that works best for them. When we were going through the designation of this bill, they were actually unhappy that we mentioned mail back in the bill and asked that it be taken out. So we took it out, giving them the ability to develop a program that would be most cost-effective for them and really cover the state, and that was really why that was changed. We also added an advisory committee so that there would be a vetting of the program by more than just one department or one person that the manufacturers have chosen.

Yes, 90 percent of drugs get excreted because they are taken, but 10 percent does get thrown out. This is over the counter drugs, this is prescription drugs as well, and 10 percent of a large number is significant. In the prescription monitoring program itself, which only does Class II through IV drugs, those are prescription drugs, in 2008, 2.3 million prescriptions were

written. Ten percent of that is a big number. In the pilot project of the mail back program, of all of the drugs that were taken back, only 14 percent of those drugs were Class II through IV, which means there were a lot more drugs being thrown out than that and that is going into our waste stream and we need to take care of that in a much better manner.

Who should pay for this? That is a good question. But every drug that gets thrown out is already paid for by somebody, either it be the insurance company or the person who bought it themselves. Then it gets paid for taking care of the waste and also the adverse affects as a result of the waste, and that gets paid by the general public. The manufacturer has some responsibility and that's what this bill is saying. But the bill is also saying, as manufacturers, you don't like a program that is being piloted already, then you have the choice to develop and create a program that works best for you and is most cost-effective. That's why the bill reads the way it does. It gives them the opportunity to do that. The concern was how much is this going to cost. We put a cap on that so that there would be, and that's \$1.5 million, the most it would cost, that means if we just did a charge per manufacturer, there are 156 manufacturers that are registered with the Board of Pharmacy, that means a little more than \$9,600 a year, each manufacturer. This is not an exorbitant price on the products that we provide. In terms of studies, we took the study component out of it. If anybody wants to study, they can pay for that study, just have the ability to do the study. A lot the changes in this bill that has come forward has been as a result of the communication that we've had with the manufacturers during those visits. This is a bill that has set up, that really is allowing them to manage and develop a program that will work for them and I'm going to ask that you vote in support of it.

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. This is just another PhRMA bill. The day after we passed this in committee, they had full page and half page adds in processed color in the newspapers across the State of Maine, putting scare tactics in that your prescription medicines are going to rise. The bottom line is if you get elected to come up here to represent the big drug companies that are not even based in this state, it's you come up to represent the people of the State of Maine about polluting their water and their landfills and everything else. So I say follow my light.

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, too, rise to speak in support of LD 821, an act to support proper disposal of our drugs. I am a member of the Health and Human Services Committee and I have also heard all of the testimony and feel that there were strong arguments in support of passing this bill. We have great concerns about the impact on our water systems, on our transfer stations and the importance of getting these drugs out of our homes. Yes, we are asking the pharmaceutical industry to assist us with protecting our people and our environment, and I feel that with the huge profits that they are making, it is only reasonable to ask for that.

Another issue that has impacted me personally is that, as you know, many of us have drugs in our homes stored, we haven't gotten around to dispose of them because it is complicated to figure that out as it is now, and my neighborhood, including my home, was invaded because people were looking for OxyContin and drugs. They came in and, yes, they found them and they

took a lot of my personal family heirlooms with them. I feel that this is not only a public health issue that needs to be supported, but it is also a public safety issue. If people know that it's going to be harder to find these drugs in private homes, I think they will be less likely to go in looking for them. I hope you follow my light in supporting LD 821 and I want to thank the Representative from Calais for bringing this forward as an important public health issue.

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Fellow Members of the House. I rise to speak against the pending motion and have complete respect for my committee chair, Representative Perry, who has worked incredibly hard on this issue. My concerns are that, first of all, I want to say that I am in complete support of creating some system, whether it be voluntary, to have a way or process for us to get rid of unwanted unnecessary drugs that are in our homes. There is a lot of community collection days that are happening right now and they are very, very successful and very productive. There is a tremendous amount of information flowing back and forth and I think you received a lot of that yesterday. I think it's also important to remember the conversation about our water. You can collect every bit of unwanted drug and put it away for safekeeping in our water and the drugs that are in our water are not going to change because, folks, they are not getting into your water from flushing drugs. They are getting into your water because Americans are taking more medications than ever, practically everybody does, and it is a natural elimination of your body that is creating the problem than our water. That's a whole other subject that we need to figure out. But saving the drugs or pulling the drugs in a different fashion is not working for that particular problem.

Like all good things, and Representative Lewin covered a lot of the very salient points and the history of this, but the devil is in the details. It has a very aggressive timeframe. You've heard about a financial cap, but I also would point out that the details in this bill also include a public education campaign that, Madam Speaker, by March 2011, is supposed to be on its way to a 75 percent consumer awareness of every citizen in the State of Maine of the program. Having done this for my business of trying to educate the citizens of the State of Maine about a variety of different issues, to get a 75 percent awareness of a program is going to take a lot of dough. It takes a very coordinated education campaign and it's going to be surveyed every six months until we reach that point, and I'm not sure how financially that's supposed to be achieved. It's these kinds of important details that are in this bill that really need a lot more time and a lot of more work. I think it would be better if this had been set up as some sort of process to report back and come up with some details on how to do this and also to consider more of a voluntary way.

We've talked about product stewardship, and I think its important product stewardship has to do more with the recycling and the way to use these products that are brought back. In this particular case, there is absolutely nothing that can be done with these drugs so product stewardship, it's not quite exactly a fit in that department. Anyway, just trying to educate folks about yet more of those important details and ask for your reconsideration.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 821. As a physician I often had people coming in for follow-up visits on chronic diseases and asked them to bring

in their current medications. Elderly patients, in particular, would often walk in with big brown paper sacks full of unused medication and some of this they had taken out of their medicine cabinet, some of it they had scooped off their window sill, and they may have had medications that they were supposed to be taking mixed in with medications that they were no longer on. It could be very confusing and often people would take the wrong dose of a medication or the wrong medication. We all know there are lots of reasons for many unused meds in people's medicine cabinets. A lot of times we'll try a medication and the patient will either have a side affect that they can't tolerate it or it's found to be ineffective for their problem. Many people these days request a 90 day supply of medication so that they don't have to pay that monthly co-pay to try to save money, and then if the medication is no longer used, there is a large amount left over, there might be a death in the family, that leaves a lot of meds in the cabinet, and, of course, there are those that don't finish their scripts.

So currently doctors or pharmacies aren't allowed to take back medication because of federal law, and although this bill was initially presented as an environmental issue, I think that public safety is just as big of an issue. Drug cabinets are often places where people, drug seekers, will be looking for medication or if one is planning to take an intentional overdose that they may be looking for medications. When I was at one of the work sessions there was a law enforcement officer from Sagadahoc County who came up to me after we finished discussion saying that in that county where they had had a public take back program, that they had been able to measure a significant decrease in the amount of intentional and unintentional overdoses of medication since their take back program was in place. I think that pharmaceutical and manufacturing companies are the right place to be looking for help with disposal. Not only is it good product stewardship but knowing that more money is spent on advertising than on research and development, I think it is the ethical thing to do and that the companies could actually use the fact that they are doing this to their advantage. We certainly do know that more drugs that are measured in the environment are from excretion, but I don't believe that that's any excuse to not add to that volume and I think that we should control what we can. I think Maine ought to be a leader and should be proud to be a leader on this. 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 rise against this motion and this bill and one of the main reasons is the bashing of our pharmaceutical companies. We do not bash the phone companies, the gas companies, the energy companies, credit card companies, insurance, General Electric who make bills more than pharmaceutical companies. Also, I am well aware of the cost of bringing a molecule from invention to the market and how many of those molecules have a lot of money, millions, spent on it and they never make it to the market. We do not require these other companies to do such things and so I do not believe that we need to require pharmaceutical companies to do so. Thank you.

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 just wanted to address one point and one point only. When I heard that this is not the time for this bill, it's being rushed through, it brought to mind the fact that some years ago I was in the other body, I believe it was 2003, and at that time our good Representative Perry was first working on this legislation. Since then she has

brought forward a pilot project that went in a limited geographical area, got back data from that to see how it worked. Then she went for a statewide pilot program with a mail back program. This is something where she has consulted with stakeholders. To me, it's an example of how legislation should be done. Thoughtfully, based on facts and based on real experience. I think it's a good bill and I hope you will support the chair of the committee and the majority of the committee in supporting this motion.

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

Representative **LEWIN**: Thank you, Madam Speaker. I'd just like to address a few of the things that I've heard during this debate. I have all due respect for the good chair, Representative Perry, from Calais. I think she has very good intent in her head and her heart always. I just don't think we're going about this the right way, and while this may have been something perceived or conceived years ago, it came to our committee last year, and it came to us without a road map of how to get done what we wanted to get done other than we were going to take some money from the pharmaceutical companies and we were going to do it. So with all due respect and regard, there are several issues.

First, the good chair is quite correct that it is a 10 percent problem, but it's a 10 percent problem of the 4 percent that's the real problem. So I think we need to remember what the numbers really mean here. It is a 10 percent problem of what is 4 percent problem in the water. So that's one issue.

Initially when this bill came before us, we heard that it was going to cost \$750,000 to do this from the DEP and, with all due respect, I laughed right out loud because I knew it was going to cost a whole lot more than that. That was, to me, an absolute pipe dream and that's one of the reasons that I was harping on what it was going to cost us and how we were going to pay for it. Now we're up to a million five with a cap on it and, frankly, I think that's pretty conservative myself. I'm still not convinced we can do it for that price.

There was a small pilot program but we have yet to have the report back from that, and at every meeting over the course of the summer, the stakeholders were asking where's the pilot report back? It wasn't there. We had general conversation about it, but we haven't seen it.

As to how much medication there really is in homes, maybe we need to do an education program for people who take drugs that are prescribed by their doctor. Generally speaking, when a medication is prescribed to you, you are to take it until it's done and the only reasons not to do that would be an allergic response, which, unhappily for me, I happen to have a whole lot of and I know by the second day into a prescription if it's going to make me very ill or not. In that event, I'm not going to take any more. I know enough to say no. The only other reason that they shouldn't be taking is if you died and they are going to be sitting there in the medicine chest for someone to take care of. So maybe we need a little education program of how you take prescription drugs, whether it comes as a director from the CDC Office or whether it comes from the docs, people need to understand if you are prescribed a medicine for a reason and you are to take it until you're told not to take it or until it's done. So I think if we've got an over-prescribing problem then we should address that, and if we think people don't know how to take their meds then we should be addressing that and that should be part of the plan.

The other thing that concerns me is that I saw some things come across my desk yesterday that discussed that we've had home robberies and home invasions. Well, I hate to break the

sad news to you folks, but there is nothing in this bill that's going to stop that. There is nothing that's going to stop that. So I think, frankly, that that's not something that ought to be considered here. Thank you.

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'm sorry I didn't listen to a lot of the debate, but I can tell you I totally disagree with the good former Representative when she says you ought to take it until it's done. I want to share a little story with you. Back when I went to see my cardiologist, I was telling him what I was taking for medication and he came right back to me and said you're coming off of this medication right now. I said, no, you doc, I'm going to see my family doctor first and he said, no, you are coming off it right now. So there is times you've got to come off it right now, you can't take it until it's all gone.

When it comes to medical waste, I'm being told that your local fire departments will dispose of a lot of your medical waste. Could someone verify that to me and make sure that your fire department, if you're bringing in medical waste to them, pills or whatever it may be, that they handle that now? Thank you, Madam Speaker.

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. 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 don't have a response to the good Representative from Millinocket so I'll let that one go, but hopefully somebody else can answer it.

I rise in support of the measure. As the former director of the Bureau of Land and Water Quality, I spent a number of years following water quality issues and this is one issue that does go back a number of years. As a member of the New England Interstate Water Pollution group that I was a member of, as well as the National Association of Water Pollution Administrators, this is an issue that's being tracked and has great concern. Granted, there is a growing body of information, but it is an issue that is a great concern because our waste water treatment plants are not designed to deal with these types of chemicals. In other areas where, waste water treatment plants, you have to deal with toxics, such as toxic metals, it costs millions and millions of dollars to put in the appropriate treatment to deal with these issues once the issue has demonstrated that it's a significant concern. So those costs are passed on the public, to the people who fund those waste water treatment plants, either through bond dollars, tax dollars or as sewer ratepayers.

I've also worked in the consulting business as an environmental consultant and one of my clients was a pharmaceutical manufacturer and I was helping them develop environmental programs to deal with their environmental compliance issues. They were tracking this pharmaceutical in waste water issue, but they are tracking it in the background. They know that there's a growing body of evidence, that this is a significant concern, but they were not ready to act and certainly were never going to act until they are required to act. I saw this firsthand, had the discussion. They were trying to get up to speed on their own compliance issues, which I must say they were not very good at. But the pharmaceutical industry at least is one client that I did work for a number of years ago, was well aware of the issue, in fact admitted that it is an issue, but they have no reason to act on it and unless we in this body do something about it.

The reason we should act is, as the good Representative from Gorham mentioned, it's an ethical issue. This is a classic opportunity or classic application of product stewardship or stewardship or even ethical stewardship. There are others areas where we've known that there are chemicals that have a bad impact on the environment or should have known, or just didn't ask the right question. A great example is ozone. We knew that chlorofluorocarbons have an impact. Well, we knew chemically what they would do but nobody ever asked the question if a lot of people spray it out of cans, where does it go? You have to ask the question "and then what?" In that case, once we figured it out, it was actually quite easy to fix it because we knew very well what was happening but nobody had asked the question "and then what?" In the case of antibiotics being used in animals in massive quantities, in the farm industry where antibiotics are being used as a precautionary measure, we are now finding when we ask the question "and then what?" we know the answer. The "and then what" is we now have bacteria that are resistant to antibiotics, and for those of us who have been in the hospital recently, it's very scary to know that that stuff is out there and that we don't necessarily have a very good response, because these drugs are in the environment, they are having an impact and they are creating a public health hazard. In that case you have to ask the question "And then what if we use these in large quantities?"

Similar issues existed a long time ago with PCBs and DDTs, we had to ban them, but the point is that we have a long, long history of putting chemicals into the environment where we aren't thinking about the long-term impacts are and this one where we can't address it as an ethical issue. And unless we turn to product stewardship as an approach, we're going to have to use some other method to get it out of the environment. In this case, it's a little different because we all know that pharmaceuticals are a good thing. I don't want to bash the pharmaceutical industry, we're all beneficiaries of that industry. It does cost a lot of money to develop these drugs, but it is not unreasonable to ask the industry or to demand of the industry to take into consideration what happens when the drugs get into the environment and to take responsibility for it. And the way to do that is through a law like this where then they are required to take full responsibility of the drug, through it's entire cycle into the ecosystem, and address it either in their design or by taking it back out of the environment when it's done it's job in the health care field. So I think this is an ethical issue.

To the point previous of whether we should be taking the drugs until they are completed, until someone dies, well I just went through a surgery and I was happy to get off of the painkillers before my prescription ran out and I had to dispose of them in whatever I can and the drug mail back program is a good opportunity, but it's not there and the public just doesn't really have really quite the awareness that we need to have to get this at a full level of implementation. So I urge you to vote in favor of the measure and think of it as an ethical issue and think of it as something that we are passing on to our children, a problem that we don't even know what the magnitude of it is. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I would like to answer Representative Clark's question around why the fire department can't collect this. Because of federal law around controlled substances and because you are collecting everything, it is important that law enforcement be a part of the collection and therefore there has to be a law enforcement officer at the collection and taking responsibility for the drugs until it gets to disposal. However, and one of the reasons we didn't prescribe

a program is because we're hoping with the pushes that are going on, we may be able to change some of the federal law to allow this to be a little bit more easily taken back. And right now, the mail back program has everything going to Maine DEA because that is following federal law. The only way we're really going to affect federal law as we as the states start taking on the issue and the Federal Government will take a look and look at this differently. In the seven years that I've been working on this, we've had changes in the Federal Government around how you dispose of them because, quite honestly, when we first came up looking at how they dispose of them, everything was to be flushed. That was the recommendation. Now on the EPA website and also the ONDCP website and I'm not going to give you names for those things, but those are federal websites, they talk about now denaturing it with coffee grounds or kitty litter and putting it into the waste basket, but that to us is still a problem. But the other thing that they say is if there is a disposal program in your area use that. And the reason we are having more and more disposal programs throughout the United States is because this is an issue and this is an issue that we really need to not only be looking at as a state but as a country, and this is where to begin. So I'm going to ask you again, and I hope I've answered your question, Representative Clark. 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 heard that it is not unreasonable to ask the pharmaceutical companies to keep their product out of our environment. Well, we still don't know how much of this is going into our well water and that from passing through the human body. So if that is the case, and I don't believe it is, that the pharmaceutical companies should have to do this, are we going to now have to make them collect human excrement of anyone taking these medications to keep it out of our environment?

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. My feeling about this bill, and I speak in support of the pending motion, is that we should control what we can control and follow Maine's lead in so many other issues since the days of Harrison Richardson, the great Republican leader, and since the days of Muskie, the great Democratic leader, when they worked together to begin the cleanup of our state that has benefited us all so much. I think of this bill sometimes in terms of product stewardship, in terms of following the examples of e-waste and the compact fluorescent light bulb bill and so much of what Maine has done before to help the environment. But at the end of the day, it really is about public safety for me, and I have a very personal perspective on that because my wife, Adelaida, who many of you met last night for the first time, is from a country that is plagued by violence having directly to do with the illegal drug trade and the illegal drug market that is so much due in part at least to the consumers here purchasing illegal drugs. But when I listen to our current drug czar and the previous drug czars at the federal level and I hear them say that the real threat here in this country is from what is in our kitchen cabinets, from legal drugs, and I think we must do what is in our control here in that regard to save lives. Maine is the leader in prescription drug related crime right now in this country, despite our low crime rate overall. We can control that. Maine is the leader in prescription drug related deaths with 155 being caused directly by prescription drugs, more than car accidents. I say we control what we can, ask PhRMA to pay one dollar for every thirty that they pay in

advertising currently, ask that they play by the same rules that so many other manufacturers have gone along with and it has worked. We've heard that same objections again and again when these product stewardship bills come up, objections of cost, of complexity, of timeline. But once we do it, we get good results. I ask that we vote in favor of the pending motion and move on. Thank you.

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

ROLL CALL NO. 290

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

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

ABSENT - Ayotte, Beck, Butterfield, Cain, Connor, Kent, Robinson, Rosen, Stevens.

Yes, 91; No, 51; Absent, 9; Excused, 0.

91 having voted in the affirmative and 51 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Bill "An Act To Strengthen Collection of Unredeemed Beverage Container Deposits" (EMERGENCY)

(H.P. 1263) (L.D. 1774)
(C. "A" H-717)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS

Acts

An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare

(S.P. 611) (L.D. 1604)
(C. "A" S-385)

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

An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act
(S.P. 592) (L.D. 1546)
(C. "A" S-395)

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. 291

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

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

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

UNFINISHED BUSINESS

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-700)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act Concerning Electricity Customers Whose Bills Increase as a Result of the Implementation of Energy Conservation or Energy Efficiency Measures"

(H.P. 1119) (L.D. 1581)
 TABLED - March 16, 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-700)** was **READ** by the Clerk.

Representative FITTS of Pittsfield **PRESENTED House Amendment "A" (H-739) to Committee Amendment "A" (H-700)**, which was **READ** by the Clerk.

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. This is a friendly amendment to a bill that I had submitted concerning businesses whose electricity bills went up as a result of using less electricity and a problem in Central Maine Power, specifically rate design. The committee has acknowledged that issue, the PUC has a mechanism to implement the fix. The problem is the cost recovery for the utility and this amendment clarifies the cost recovery and you don't want to get into a discussion of how all of that works. So I consider it a friendly amendment and would ask for everybody's cooperation in just getting it done.

Subsequently, **House Amendment "A" (H-739) to Committee Amendment "A" (H-700)** was **ADOPTED**.

Committee Amendment "A" (H-700) as Amended by House Amendment "A" (H-739) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, March 18, 2010.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-728)** on Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1255) (L.D. 1765)

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

PIEH of Bremen

O'BRIEN of Lincolnville

KENT of Woolwich

CRAY of Palmyra

EDGEComb of Caribou

PERCY of Phippsburg

McCABE of Skowhegan

GIFFORD of Lincoln

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-729)** on same Resolve.

Signed:

Representative:

PRATT of Eddington

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-728)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, March 18, 2010.

CONSENT CALENDAR

First Day

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

(S.P. 718) (L.D. 1809) Bill "An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(S.P. 733) (L.D. 1818) Resolve, To Continue Evaluating Climate Change Adaptation Options for the State Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 647) (L.D. 1675) Bill "An Act To Reduce Noise Caused by Motorcycles and Improve Public Health" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-415)**

(S.P. 674) (L.D. 1760) Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-410)**

(S.P. 676) (L.D. 1762) Bill "An Act To Provide Incentives for Energy Conservation through Voltage Regulation" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-416)**

(S.P. 690) (L.D. 1783) Bill "An Act To Amend the Charter of the Kennebec Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-413)**

(H.P. 1276) (L.D. 1788) Bill "An Act To Clarify Exemptions in the Milk Handling Fee" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-737)**

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

SENATE PAPERS

The following Joint Resolution: (S.P. 738)
JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, four signers of the Declaration of Independence were Irish-born and nine signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

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

READ.

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

Representative **CONNOR**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Top of the morning to you. I rise today to congratulate my Franco friends on selecting the perfect day to celebrate heritage, today, March 17, 2010, St. Patrick's Day. Now there were some that shared their concern about celebrating Franco-American Day on this day, but I embrace it. As we celebrate our individual heritage, I think it's important to recognize the heritage that we share together. In fact, as I understand it, some odd and great things can happen when the Franco and Irish mix. I'm told that the good Representative from Scarborough, Representative Flaherty, and I harbor suspicions that the good Representative from Eddington, Speaker Pro Tem Pratt, are both of French and Irish descent and that explains a lot to me. But I am not here to speak only of our ancestral heritage, I am here to speak about our Maine heritage. Despite the fact that some of us in this chamber are from away, when we are in this chamber we are Mainers, we are all Mainers. The rich history of our past on this land can and should be celebrated every day and on this day. So to everyone here, regardless of your blood, tonight when I raise my glass and say "Sláinte", which is "to your health" in Gaelic, I'll be thinking of all of you. Happy St. Patrick's Franco-American Day to you all. Thank you, Madam Speaker.

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

Representative **CAIN**: Thank you, Madam Speaker. I believe the request was that I should sing in honor of St. Patty's Day a song that is dear to many people from all ethnic backgrounds and that is "Danny Boy". So with your permission, I would do that and I would ask any member who wishes to sing along.

The SPEAKER: The Representative may proceed.

Representative **CAIN**:

*Oh Danny boy, the pipes, the pipes are calling
From glen to glen, and down the mountain side
The summer's gone, and all the flowers are dying
'Tis you, 'tis you must go and I must bide.*

*But come ye back when summer's in the meadow
Or when the valley's hushed and white with snow*

'Tis I'll be here in sunshine or in shadow

Oh Danny boy, oh Danny boy, I love you so.

But when he come and all the flowers are dying

And I am dead, as dead I well may be

You'll come and find the place where I am lying

And kneel and say an "Ave" there for me.

And I shall hear, tho' soft you tread above me

And all my dreams will warm and sweeter be

If you will bend and tell me that you love me

Then I shall sleep in peace until you come to me.

I'll simply sleep in peace until you come to me.

Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker. While I am one of those products of the Franco-American and Irish mix, growing up as an Irish kid in an Irish neighborhood, it took me years of language study in French to allow me to fully embrace the 50 percent of my heritage that is Franco-American. My Franco ancestors, through my husband's genealogical efforts, arrived in America before the Pilgrims in 1618 and I am very proud of that. But my Irish ancestors, unfortunately, were illegal aliens and over the past three generations we've managed to get out of that hole. But it is as an American that I'm just as proud to be here today representing all of my heritage. Sláinte and bonne chance to us all, aujourd'hui à tous jour. Thank you.

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

Representative **FLAHERTY**: Thank you, Madam Speaker and thank you to the Representative from Kennebunk, Representative Connor, for outing me as both an Irish-American and French-American. It is true, I am descended of both Flahertys and the LeMuses.

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

Representative **TUTTLE**: Madam Speaker, I always joke that the Irish side of my family came over during the famine and we haven't stopped eating since. Madam Speaker, may the Lord have mercy on our soul and may St. Michael's sing along, and may we be dead two hours before the Devil knows we're gone.

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

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

On motion of Representative CROCKETT of Augusta, the House adjourned at 12:02 p.m., until 10:00 a.m., Thursday, March 18, 2010 in honor and lasting tribute to the Reverend Gilbert Patenaude, of Augusta.