

# 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  
25th Legislative Day  
Tuesday, March 23, 2010

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

Prayer by Rabbi Carolyn Braun, Temple Beth El, Portland.

National Anthem by Felecia Pease, Anna Joseph, Alora Ross and Brandy Pease, Strong Elementary School.

Pledge of Allegiance.

Doctor of the day, Carol Saunders, M.D., Manchester.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services (EMERGENCY)

(H.P. 1187) (L.D. 1686)

(C. "A" H-660)

**FINALLY PASSED** in the House on March 11, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-660) AS AMENDED BY SENATE AMENDMENT "A" (S-437)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act To Regulate the Transportation of Firewood (EMERGENCY)

(H.P. 1135) (L.D. 1607)

(C. "A" H-667)

**PASSED TO BE ENACTED** in the House on March 11, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667) AS AMENDED BY SENATE AMENDMENT "A" (S-442)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

(H.P. 1061) (L.D. 1512)

House **INSISTED** on its former action whereby the Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)** in the House on March 16, 2010.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-640)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative BEAUDETTE of Biddeford, the House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (S.C. 716)

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

March 22, 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 Natural Resources, the nomination of Honorable Richard A. Gould of Greenville for reappointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of M. Wing Goodale of Falmouth for reappointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of Edith Cronk of Wiscasset for reappointment to the Maine Outdoor Heritage Fund Board.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative COHEN of Portland, the following Joint Resolution: (H.P. 1307) (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, 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, FLAHERTY of Scarborough, 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, MARTIN of Eagle Lake, 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)

**JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 11, 2010 through April 18, 2010 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 11, 2010; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, and March 23, 2010 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the 124th Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that we urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration; and that we express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

**READ.**

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

Representative **COHEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Sixty-five years after the last Jew was murdered and the few remaining survivors of the Holocaust were liberated but not free, we gather again to remember. We remember the nameless millions who lie in unmarked graves across the length and breadth of Europe. We remember those who survived and, with a courage that few of us can imagine began new lives, many in this nation and some in this state. We recognize their liberators, the brave American soldiers who stumbled across scenes of death and destruction so horrific that many of them could not discuss or describe what they had witnessed until their dying day.

And while historians seek to analyze how and why it happened, how and why some people became perpetrators, many became victims and the great majority became bystanders to this greatest of all genocides, the words that affect us most are the words of the survivors. They are the ones who were there, who experienced the indescribable and yet sought with their words to at least try and allow us the briefest looks at a world far worse than anything described in Dante's Inferno. Even if we could never as they could never understand why.

Their words allow us to remember—because that is what their murdered wives, husbands, children, parents and relatives begged them to do if they survived—remember and tell the world what was done to us.

I am fortunate to have a neighbor in Portland, who is with us today in the chamber, who is the son of a Holocaust survivor. Professor Abraham Peck is professor and director of a newly-created program at the University of Maine in Augusta, a program in Holocaust, Genocide and Human Rights Studies. He has written about the suffering and survival of his parents in horrific places such as Auschwitz, Buchenwald and Theresienstadt. What his parents told him make up pages of a historical memoir he has published in German and soon to appear in English. Let me recount a bit of his story.

Abraham Peck's father, Shalom, spent the first five years of his Holocaust experience in the Lodz, Poland ghetto. From its very beginning, his father knew that the Lodz Ghetto represented the end of Jewish life as he had known it. He saw Jews dying in great numbers from starvation. He knew this because he had to bury so many of them in the portion of the "new" cemetery that became known as "Cemetery Fields," where at least 43,000 Jews and Sinti/Roma, people we know as gypsies, from the Lodz Ghetto were buried with no recognition or ceremony.

The cemetery became a place for his father, not just as employment and security, but a place where he pondered his fate and the fate of European Jewry. He often had conversations with the corpses awaiting burial. It was of course a monologue and revolved around only one question: why is this happening to us and doesn't the world and God care?

Sometime at the end of 1942 he received an answer to the question from an unlikely source. One evening, a German SS officer came into the cemetery. Shalom has just cleaned and disinfected an entire group of graves and the SS officer was impressed with his efforts.

He complimented his father on the work and said he was doing a good job. Shalom Peck felt comfortable enough to ask the SS officer who had spoken to him in an almost humane manner a question that he had thought about for a very long time.

"Excuse me," his father said, "but why do we deserve this as Jews? What did we do?" The German became agitated and began to shake. He took out his pistol and pointed at him. "Listen you piece of Jewish filth," he screamed. "I don't talk to Jewish vermin as a rule, but I will tell you if not for our Fuehrer Adolf Hitler, all of Europe and eventually the world would be in Jewish hands. You Jews are a people with no shame. You are forgotten by God and a superfluous people in the world."

At that point, Shalom knew that the Jewish people were doomed to destruction. On August 5, 1944, a transport of 15,000 men was sent to a concentration camp at Buchenwald near the famous city of Weimar. Shalom Peck was among them. He arrived with his hands and feet bound after trying to escape from the train.

Buchenwald was the place where Shalom Peck realized an extraordinary fact: that the Nazi war against the Jews was not just against the Jews. It was paralleled by a Nazi war against human values. Buchenwald had been created in 1937 as a "reeducation" center for political foes of National Socialism, primarily Communists and Social Democrats. They were soon joined by Jewish men arrested during the infamous anti-Semitic program of November 9-10, 1938, known as Kristallnacht. And they were also joined by so-called social misfits, gay men, and Sinti and Roma, commonly called Gypsies.

Sixty-five years after the end of the Second World War, we need to understand what Shalom Peck understood. That what happened in those terrible times was an effort not just to destroy the Jews but to destroy so many of the human values we hold dear—values that have shaped the America we live in and the America we have yet to create.

We need to understand and to remember so that our children and our grandchildren will not forget. We need to understand and remember so that we can be vigilant in our defense of human rights and liberty for all people in all countries, so that we can indeed dream of a world free from prejudice, intolerance and hatred. We need to understand and to remember. Thank you, Madam Speaker.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to add

comment to this day of remembrance. In the late 40s, I was a small boy, which probably is hard for some of you to feature. I remember in my synagogue stories and pictures of the Holocaust were starting to come forward. At Passover time, when I joined my family, the elders, my grandparents and their friends would sit and speak of family they would never see again. These are images and memories that have stayed with me these many years, and it's times like this, I guess, I have an opportunity to articulate. Unfortunately, the products of anger, hate and fear have not left this planet, they still remain. Man's inhumanity, man to man, has not disappeared, but we can take this moment and search our souls and do what we can to make sure that these horrific examples of behavior never happen again. Thank you, Madam Speaker.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This past December, my husband and I finally embarked on a trip to Israel that we had been planning for more than three years. We spent just over a week exploring this remarkable country, visiting Jerusalem, the Judean Desert, the coastal communities of Ra'anana and Herzliya and Tel Aviv. It was a very moving trip for many reasons. But today I would like to share with you our trip to Yad Vashem, Israel's Holocaust memorial. You can't take photos inside of it, but we spent almost four hours going through the exhibits one by one with our audio headsets guiding the way, telling us the story from every perspective. I can't even begin to describe how it feels to emerge at the end of the long winding emotional museum exhibits to an incredible balcony view of Israel, symbolizing a future full of possibility despite the horrors of the past.

Surrounding the inside exhibits and surrounding the museum are gardens and areas to sit and reflect on all that you have seen and you have felt. There are art exhibits, permanent and rotating, that reflect the emotion of those whose lives were impacted directly and indirectly by the Holocaust, though I can say without hesitation that we are all impacted by the Holocaust. There is a hall of remembrance, a building near the museum where an eternal flame is lit for all of those who died in the concentration camps and ghettos during the Holocaust. The names of the concentration camps are on the floor in Hebrew and in English. Remembrance gatherings are held there for the 6 million Jewish men, women and children who died during that time.

The museum is a long triangular tunnel, almost like a train tunnel, on the inside. On the outside, it looks like a triangle, an extended triangle that emerges from the ground and inside you are taken through every stage of the Holocaust, from the rise of the Nazi Party to the liberation camps and the lives and the memories of the survivors. The children's memorial is a dark, cave-like space with candles and mirrors that look like more than a million stars to remember the approximately 1.5 million Jewish children who died during the Holocaust. Many parts of Yad Vashem honor the righteous among nations. These are the non-Jewish people who helped to hide, rescue or save the people persecuted by the Nazis. Everyone from famous stories like Oskar Schindler to individuals who saved just one or two lives are honored. It is extraordinarily moving. The Avenue of the Righteous is a path near the museum lined with beautiful trees on each side with names recognizing individuals for all that they did to save those persecuted by the Nazis.

So on this day of Holocaust remembrance here in Maine, may we all strive to be the righteous among the nations, and may the same spirit that guided those who risked their lives to help those

in horror guide us all every day in our own lives to stand for what is right and to fight persecution and discrimination in our own communities and states and, by extension, our nation and our globe. May we never forget the horrors of the Holocaust and may we never see them repeated in our lives or in the lives of any others. Thank you, Madam Speaker.

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. Today is a day for each of us to connect ourselves personally through the personal experiences of the Holocaust, to the hour of greatest darkness and also in some ways the hour of greatest light in the 20th Century and perhaps in the history of humanity.

Today I learned for the first time of a relative of my own, by marriage, who came all the way from Washington State, Noemi Ban, and who sits before me and before all of us, having traveled all the way to be here with us and who is a Holocaust survivor. Today I learned by his presence before us that a former member of this chamber, the Honorable Ed Benedikt, also has experiences of this hour of greatest darkness.

Today is exactly for this purpose, it is to keep those stories alive, to learn the stories and to make our personal connections. Each of us probably has an ancestor who experienced World War II. For me, it's a grandfather whose parents were German immigrants and who went to serve in the European Theatre and to fight in the Battle of the Bulge against man of his parents own countrymen. Our duty today is to keep their flame alive, to preserve their eternal vigilance against injustice and against tyranny. So I am proud to stand here with all of you today to recommit ourselves to the lessons of the Holocaust, to learn from what was and never should have been, and to prevent what could again but must never be. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in honor and in memory of the millions who were murdered in the Holocaust. We honor the survivors of the concentration camps, some of whom are with us today. We honor the liberators, who, 65 years ago, in liberating prisoners from the Nazi concentration camps, witnessed scenes which would haunt them for the rest of their lives. Edward R. Murrow, reporting from Buchenwald concentration camp on April 15, 1945, said "I pray you to believe what I have said about Buchenwald. I have reported what I saw and heard, but only part of it. For most of it I have no words."

We are a country and a people who value freedom. We value equal rights for all. We honor differences – indeed, I believe that those individual differences and strengths are what make us a great nation. But one of the lessons of the Holocaust is how fragile freedom truly is. The Jews in Europe did not lose their freedom all at once – they lost it little piece by little piece. And there were not enough people who had the courage to stop this curtailment of liberties until it was too late.

The Days of Remembrance are an important time to remember what horrors people are capable of visiting on their fellow human beings. It is a time to remember and honor the millions who were murdered, not because of what they did but because of who they were. And it is a time to re-affirm that actions do matter. Individuals have the power to right wrongs, to refuse to be a part of excluding people from participation in the full benefits of society, to allow for the full and free expression of individual beliefs without fear of exclusion or retaliation. We must speak out when we hear hateful remarks against others; we must remember that the Holocaust happened, and that genocides

continue to occur; we must remind our children and our neighbors of what can happen if we are not vigilant to protect freedom. There is a quotation at the United States Holocaust Memorial Museum attributed to Pastor Martin Niemöller. It says: "First they came for the socialists and I did not speak out – because I was not a socialist. Then they came for the trade unionists and I did not speak out – because I was not a trade unionist. Then they came for the Jews and I did not speak out – because I was not a Jew. Then they came for me – and there was no one left to speak for me." What we do does matter. What we say does matter. Speaking out and defending and protecting freedom does matter.

I was a history major in college. I believe that we can learn much from studying history. I hope that we can all learn the lessons of this darkest of chapters in human history, and that we can build from that lesson a more tolerant and compassionate society for all. Thank you, Madam Speaker.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Thirty years ago, I was going door-to-door to run for the city council in Portland. I went up to a house and I went in and sat down and had tea with a couple, and one had been at Buchenwald and one had been at Auschwitz. Their human nature was unbelievable. They lost their whole family, but they had gotten married when they came back to the United States. They thought that was the best thing to happen when they came back to the United States. They lived down off Ludlow years ago. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's unfortunate but true that those of us accustomed to the comforts of civil society sometimes acquire a periodic reminder that there are people among us, as well as others around the world, whose hatred would quickly destroy the bonds which bring civil society together. Genocide and hate crimes are horrific and shake the mind. What is perhaps even more true is that although we are horrified by dramatic acts of senseless hatred and violence, once the shock wears off, if we do not identify with the targeted group, we often go back to the comfortable day-to-day lives with which we are blessed by our civil society. And while we settle back into our lives, the breeding grounds of hate continue. Hate and acts of indifference to hate will likely never end. It seems either embedded in our DNA or bred into our minds through the regular training day to day. Either way, it is therefore important that we memorialize, that we remember, we remind ourselves we are accountable to guard the civility of our society. And so I rise today as an ally to witness and to remember the Holocaust and ask you to do the same.

Sixty-five years ago, Allied troops were racing towards Berlin in an effort to bring the war in Europe to an end. As they entered towns that may have passed into obscurity as mere sign posts on the way, they uncovered horrific evidence of genocide: Auschwitz, Treblinka, Buchenwald. The towns they liberated would become synonymous with evil, hatred and the depths of human depravity. Six million Jews and millions of other so-called undesirables—Roma, Jehovah Witness, people with disabilities and mental illnesses, homosexuals, Soviet prisoners of war, Sinti, artists, writers, Poles, Asians—had all been exterminated at these and other concentration camps. In systematic, orderly, cold-blooded fashion they were lead to their deaths and as the news of the unbelievable sights of these camps spread, those who saw it firsthand feared that they could not possibly convey

the horror that they saw and that some may dismiss as simply propaganda.

After photographing Buchenwald, Margaret Bourke-White wrote to her editor at *LIFE* magazine saying "the sights I have seen are so unbelievable, I don't think I'll believe them myself until the photographs have been developed and I can see them again." General Dwight Eisenhower grasped the problem and told his staff "I want every American unit not actually in the front lines to see this place. We are told the American soldier does not know what he is fighting for. Now at least he will know what he is fighting against."

The same challenge faces us today. We must remember what we are fighting for and what we are fighting against. We must remember the democratic institutions and values are not automatically sustained, they need to be appreciated, nurtured and protected. We must remember that silence and indifference to the sufferings of others or to the infringement of civil rights in any society can, however, unintentionally perpetrate hate and suffering. We must remember that the Holocaust was not an accident of history. It occurred because individuals, organizations and governments made choices that not only legalized discrimination but also allowed prejudice, hatred and ultimately mass murder to occur. The Holocaust, after all, was not perpetrated by monsters or aliens but by human beings having monstrously, condoned by others behaving with indifference, denial or fear, and allowed by those acting irresponsibly or acting without vigilance. The majority of us are neither victims nor perpetrators; rather we are the ones who must be vigilant against those who espoused hate. We must be first and foremost allies to those who would suffer if we are silent. And today, 65 years after the first camps were liberated and the veil of Hitler's Final Solution was lifted, there are those who would deny the very truth of the Holocaust.

As we consider this Joint Resolution, we are remembering the truth of what happened and reminding ourselves that each of us must work to promote human dignity and confront hate whenever and wherever it happens. Bosnia, Rwanda, Darfur, Armenia, Cambodia, Croatia, East Timor, even within our own history in this country. We should remember that what became the Holocaust started with general acceptance of acts of discrimination, which led to more and more bold acts of hatred. We cannot allow that again in our villages, our towns, our cities in this state, in this country, in the world because the Allies, liberators and the strength of the survivors like those who join us today, we know all too well the human capacity for evil and the catastrophic consequences of indifference in the face of evil and we now realize that to preserve human freedom, what we do matters. As those survivors and those liberators begin to pass the torch to us, we must assure the light of truth is passed on to future generations. It matters what we do when we are confronted with evil and that we are not indifferent. It matters that we ensure future generations do the same. Thank you, Madam Speaker.

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

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am not of Jewish heritage, I married into it as a young woman, and as we sat down to Passover services over the years, we heard many family stories that were very interesting but one of those was the experience of my father-in-law in World War II. He was technically too old to join the Army, so he lied to get in, and he was sent to Europe late in the war and his Army unit was one of those that liberated a concentration camp and he was astounded

to see the horrors that he had only heard remote reports of in the United States.

Many of you know, as they processed closure of these camps, it took a long time to get prisoners out of these camps. My father-in-law being very pragmatic and creative American that he was would occasionally swipe a horse and put a prisoner on it and smuggle them out of the camp. One of these people was a small emaciated Jewish man named Sam Herciger, who had lost his entire family to the Holocaust, and as my father-in-law, Max Miller, propped Sam on a horse and slapped that hind and watched that horse disappear into the forested night, he did not know if Sam would make it. Sam did and after the war he, through great trouble, found my father-in-law again and renewed relationships.

Year after year as the Miller children went for their inevitable college backpack trip to Europe, we would look up Sam Herciger and his new family, his younger wife and his very young children, and we were embraced and received so warmly. Sam was an artist so when we returned from those trips, we would bring back pieces of art that commemorated the Holocaust. We have donated a few of those pieces to the Holocaust and Human Rights Center here in Augusta and it is for Sam's family, for thousands of those European families and for our own families that we honor this day. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Blodgett.

Representative **BLODGETT**: Thank you, Madam Speaker. I would just like to remind everybody how proud we are to have the Holocaust and Human Rights Center of Maine here in our capital city at the University of Maine at Augusta. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would like to welcome our special guests who are with us today and, in particular, recognize my friend, Julia Skalina, with her permission. I met Julia when she was one of the speakers for the Holocaust and Human Rights Center and I invited her to come to an 8th grade class in South Portland. Julia arrived and has actually visited with us on several occasions and convened a room full of rambunctious, noisy 8th graders, and with a quiet and gentle voice, recounted the horrors that she lived through to a hushed and breathless audience they became. And in those hushed words that she shared with them, she teaches them to understand, to remember and to tell the world. Thank you, Madam Speaker.

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

Sent for concurrence.

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On motion of Representative LANGLEY of Ellsworth, the following Joint Resolution: (H.P. 1308) (Cosponsored by Senator RAYE of Washington and 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, FLAHERTY of Scarborough, 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, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, 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, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, 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)

**JOINT RESOLUTION TO RECOGNIZE APRIL AS DONATE LIFE MONTH IN MAINE**

WHEREAS, the United States Department of Health and Human Services, Division of Transplantation has designated the

month of April as National Donate Life Month to promote organ, tissue, blood and bone marrow donation awareness; and

WHEREAS, in the fall of 2006 Donate Life America launched the Donor Designation Collaborative, a national effort to improve donation rates by ensuring each state has an effective system for allowing individuals to designate themselves as donors; and

WHEREAS, this Donor Designation Collaborative has focused on encouraging state teams to test, adopt and share best practices that measurably increase the number of registered donors and since 2006 registries have been founded in every state of the Union; and

WHEREAS, having a month designated as Donate Life Month will help Maine reach the goal of having as many adults as possible add their names to the Maine Donate Life Registry; and

WHEREAS, more than 105,000 people in America are waiting for lifesaving transplants, and over 6,600 will die this year; and

WHEREAS, last year more than 28,000 lives were saved through organ transplants and more than 1,000,000 life-enhancing tissue transplants are performed each year, offering patients a new chance at healthy, productive and normal lives; 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, recognize the month of April in Maine to be Donate Life Month and urge and request the citizens of Maine to sign on to the Maine Donate Life Registry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Donate Life Registry.

**READ.**

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

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today in support of the Joint Resolution proclaiming April as Donate Life Month in Maine. While I was sitting here through the remembrance of the last resolution and remembering such a tragic loss of life, that we are followed by a resolution in the name of the gift of life.

When I was approached by the New England Organ Donor Bank to help raise awareness and dispel myths about organ donations, they had no idea of my connection to organ donations. First of all, I am a recipient of bilateral hip replacements nine years ago. While titanium joint replacements are not a donated organ, I am acutely aware of what my life would be like without those replacements. My quality of life would be terrible as I would be crippled by now. I could not adequately equate my joint replacements to the dire need for an organ transplant but certainly appreciate the quality of life that I now have.

Secondly, the organ transplant that I am most familiar with is that of corneas. My father-in-law is a retired ophthalmologist and over the years my wife has made many trips to the airport to pick up a donation that was flown in for immediate surgery. The recipient who was given the gift of sight was forever grateful. I was impressed by the network of medical professionals that make these donations possible. The whole process is a gift, from the donors and the doctors who preside over the initial surgery to the medical transport, to the standby teams to do the final surgery, there is never a charge for the organ. It is truly a gift of life. Since this awareness campaign began, I've heard numerous stories about people who have received organs, as well as those families who have donated organs and the emotional ties between the two. It is an honor to be associated with a legislative



action that has such important implications for our citizens. Thank you very much.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Boothbay Region Y-Arts performers, from the Boothbay Region YMCA, under the direction of Emily Moore, who have won their competition for the second year in a row at the iTheatrics Junior Theaterfest in Atlanta, Georgia with their performance of *Seussical*. The 43 Y-Arts students competed against more than 49 junior theater groups from all around the country and from Canada. They were celebrated for their enormous amounts of energy. We extend our congratulations to the performers and we send them our best wishes for future success;

(HLS 1017)

Presented by Representative MacDONALD of Boothbay. Cosponsored by Senator TRAHAN of Lincoln.

On **OBJECTION** of Representative MACDONALD of Boothbay, was **REMOVED** from the Special Sentiment Calendar. **READ.**

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to celebrate and I hope you will join me in celebrating the incredible energy and theatricality of this group of young people from the Boothbay Region Y, the Boothbay Region Y-Arts program, who went to Atlanta and for the second year in a row won a nationwide competition for their incredible theatricality, dancing, singing and acting. A lot of it is talent that exists among the kids in our area as I think that it exists widely in the State of Maine. A lot of it is also due to the incredible work that both Ginny Bishop and her daughter, Emily Moore, bring to the task. They bring out the best in these kids. Ginny Bishop, you may remember, some of you at least who were here a couple of sessions ago, is the wife of the Honorable George Bishop, who sat I think in about the seat where Representative Kerri Prescott now sits, when he was a member of the Legislature in the 122nd I think. So I rise to congratulate these young people on their incredible work. I wish you could see what they have done. I watched the videos that are broadcast on our local cable channel and I am amazed at what they've been able to accomplish in the short time that they've been together working on this musical. So again, congratulations to the Y-Arts group on this great award. Thank you, Madam Speaker.

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

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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.

Expression of Legislative Sentiment in Memory of Dwight "Lib" Libby, Sr., of Freeport

(HLS 832)

TABLED - January 12, 2010 (Till Later Today) by Representative WEBSTER of Freeport.

PENDING - **ADOPTION.**

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is an honor for me to speak in memory of Chief Dwight Libby who served from 1962-1983 as a firefighter and chief of the firefighting service in Freeport from 1983-1997. Although I had the honor of meeting Chief Libby, I did not know him well, not as the men and women of the fire brigade and his family would know him, but I know him by reputation. Chief Libby was committed to the betterment of Freeport Fire Department, the professionalism and the safety of his men and women. Chief Libby, as a eulogy by Chief Fortier, who is in the gallery, stated, that through training of members, Freeport Fire transitioned from an exterior fire department to an aggressive interior fire department.

Chief Libby worked with his department to knock down fires and save property and lives, but it is dangerous work. In 1978, Chief Libby pulled one of his men out of a fire after he was overcome with smoke and saved his life. Chief Fortier now was not the chief in 1982, when he and Chief Libby were on a second floor of a connector between a barn and a house that was on fire. They were pulling down ceiling and wall trying to get at the fire and knock it down. There was a heat explosion. Both of them were knocked down. Chief Fortier, not chief yet, was knocked unconscious. Chief Libby grabbed him by the collar and dragged him out of that connector before the fire engulfed the area. It saved his life. The men and women who provide such service should be honored, and this is a man who is clearly honored and appreciated by his community and is a serious and dedicated chief, but he also had not quite such a serious side as well.

I didn't think I could do justice to the story, but when Chief Fortier, who is in the gallery, gave me the eulogy, I remember laughing along with everyone else at the memorial service, and I'd like to read a short passage to you. Chief Fortier wrote Dwight also had a not so serious side and was known for practical jokes and having a good time. Now one Saturday evening at the station, we had all gathered and some bottle rockets appeared. Now I'm sure they were confiscated since fireworks are illegal, and there was a discussion about how to properly dispose of these fireworks. It was decided that perhaps the best way to deal with them would be to shoot them off. Now he owned a black GMC Jimmy at the time, which contained other confiscated fireworks and they were in the back of the vehicle, and while it was parked in front of the fire station the rear window was down. One bottle rocket was lit and proceeded to go across the parking lot and in the rear of his Jimmy and exploded. A large amount of smoke appeared from the vehicle and the chief immediately declared a training session. The firefighters went over with extinguishers and in turn had an opportunity to learn how to properly use a fire extinguisher in the back of a Jimmy. Luckily there was no fire and the decision was made to cease disposing of the confiscated fireworks in that manner since the fire extinguishers had done an adequate job.

In the balcony are a number of family members for Chief Libby's family who will be honored in a moment, but I would like to take just another moment of your time and your patience to honor another firefighter who died this year from Freeport. The sentiment was presented when we were not in session, so I shall read it: Whereas, the 124th Legislature has learned with deep regret of the death of David Alan Stilkey, of Freeport. Mr. Stilkey lived his life in Freeport, graduating from Freeport High School in 1978. He was known as a gentle and caring man who spoke his

mind respectfully. Mr. Stilkey had many careers in his lifetime in Freeport. Together with his wife Rebecca, he ran Dave's Auto Service and more recently D and B Fire Equipment. He also worked at Emergency Vehicles of Maine and for his father's Cemetery Maintenance Company and went on to take care of Grove Cemetery. Mr. Stilkey was a founding member of the Towing and Recovery Association of Maine and a board member of the National Kidney Foundation of Maine. He was a member of the Freeport Fire Department and a lifetime member of the Freeport Fire Company and Chief of Freeport Fire Police. He also was an active member of the Antique Tractor Association. Mr. Stilkey lost the love of his life, his wife of 26 years, Rebecca Fogg Stilkey, in 2008. We acknowledge his dedicated service to his community. He will be greatly missed and long remembered by his loving family and his many friends and neighbors; Therefore, be it resolved that we, the members of the Senate and House of Representatives, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased.

Briefly, he was my mechanic as well as I like to think of him as a friend. One time I brought my car over to have it repaired because it had a bad CV joint and they had it up on a rack and he said "Dave, your inspection sticker is out. Do you want us to take care of that?" I said, "That would be really great, Dave, you should do that." He says "You know, it's six months out of inspection, that's pretty long." I said, "Well geez, I didn't know. Thanks for letting me know." And so they proceeded to do an inspection, I think they changed the bulb, got the car down and he says "Alright, get me the registration. Dave, the registration is nine months out of date." He kind of looked at me the way Dave would look at me and thought maybe one of his folks could give me a ride down to the town hall. He was a gentle and wonderful guy and a number of members of his family are here as well.

Lastly, I wish to note that there are a number of these folks that are members of the current Freeport Fire Department and they will also be recognized. Thank you, Madam Speaker. I believe someone else is going to speak to this.

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

Representative LAJOIE: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Thank you for coming today to remember Chief Dwight Libby, Sr., who served the community for 48 years. Dwight joined the fire department in 1962, as was previously mentioned, and he ran the junior fire department program in the 60s and 70s before being promoted to a lieutenant and then deputy chief and then finally fire chief. He retired at 83.

Few people have an opportunity to change the direction of an organization. Dwight's commitment to bettering the Freeport Fire Department and serving the community began when he was a lieutenant through his training of his members, the Freeport Fire transitioned from an exterior to an interior fire department.

I did not know Chief Libby personally, however his reputation as a firefighter and fire chief spoke for themselves, especially in the area of firefighting and training, and his professionalism he brought not only to his department as well as to the fire service in the State of Maine.

As a member of the Maine Fire Chiefs Association, I recall many times where we got together and had conversations and Chief Libby's name came up numerous times as well as others, mine included; however, whenever that was brought up in regards to Chief Libby, it was always under the professionalism aspect and what he brought to the fire service. Through the

Maine Fire Chiefs Association, I also became acquainted with Chief Fortier, who is currently the fire chief in Freeport, and he spoke especially highly of his former fire chief and firefighter and the leadership he brought to the State of Maine.

In closing and on behalf of the Maine Fire Chiefs Association, I would like to thank Fire Chief Libby for his service to the community of Freeport. Freeport Fire and Rescue extends a great gratitude to Dwight's family and we are here for support throughout the future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative PRATT: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I also want to rise and briefly add my name to the list of people here offering our condolences and thanks to both Chief Libby and firefighter Stilkey of Freeport Fire. As many of you know, I work full time for the Orono Fire Department as a firefighter/paramedic and I also serve proudly back home with my hometown VFD, the Eddington Volunteer Fire Department, and I just want to get across to everybody here, I want you to understand the dedication and commitment that takes. These people put in a lot of time and a lot of effort on behalf of everybody here and it's important that you know that. I want to make sure that on behalf of myself personally, of my departments and of the fire service as a whole in this state, that we do, we offer our thanks and we offer our condolences and that I urge you when you're going back to your town meetings, when you're going back to your towns and your cities, remember these people. Remember what these folks do for you out there and give them a thanks because they deserve it. Thank you.

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

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## SENATE PAPERS

The following Joint Resolution: (S.P. 742)

### JOINT RESOLUTION RECOGNIZING ROBERT L. WOODBURY, THE LATE CHANCELLOR OF THE UNIVERSITY OF MAINE SYSTEM

WHEREAS, Robert L. Woodbury, of Falmouth, passed away from lymphoma in September 2009 at the age of 71 after living a vital and energetic life of commitment to other people and to the field of education, not only in Maine but in the international arena as well; and

WHEREAS, Chancellor Woodbury graduated from Belmont Hill School in 1956 and from Amherst College in 1960, and he earned a doctorate in American Studies from Yale University in 1966, beginning his career as a professor at the California Institute of Technology before becoming a senior administrator at the University of Massachusetts at Amherst; and

WHEREAS, Chancellor Woodbury came to Maine with his family to serve as the President of the University of Southern Maine in 1979, a time of great growth and expansion for the former University of Maine at Portland-Gorham, and he led the university after the merger of the Portland and Gorham schools and helped establish the Edmund Muskie Institute of Public Affairs; and

WHEREAS, the University of Southern Maine community honored Chancellor Woodbury's excellent service by naming the building that contained the student center, a cafeteria and the university bookstore on the expanding Portland campus the Robert L. Woodbury Campus Center; and

WHEREAS, Chancellor Woodbury went on to serve as Chancellor of the University of Maine System, overseeing the State's 7 university campuses from 1986 to 1993, and he ran for

Governor of the State of Maine, hoping he could continue to serve the people of Maine; and

WHEREAS, Chancellor Woodbury served on a multitude of educational boards, including serving as chair of the board of the Council on International Educational Exchange, and remained an educator even in retirement, helping to found American University in Bulgaria and working to develop city-to-city exchanges between the United States and South Africa just before he died; and

WHEREAS, Chancellor Woodbury was devoted to his wife and his family, a major source of pride for him, and he was happy to have all of his children and their families living nearby in Maine throughout his retirement; 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 honor the memory of Robert L. Woodbury and his commitment, dedication and work for the people of the State of Maine.

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

**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 really is a pleasure for me to speak and say a few words about a person who served this state as chancellor of the University of Maine System, has been a real Maine leader in quality education over a number of years throughout the work that he did. I knew Bob obviously because I was an employee of his, technically, and I remember his work well and his work in helping all of us at the University of Maine at Fort Kent among other places throughout this state. There was not a time I could ever remember him losing his temper to any of us, even though he disagreed with us from time to time. But he really was, in my opinion, a person who worked hard to make improvements in higher education and this state. Even after his retirement, he continued to be active in the university community. He worked on the University Muskie Board at USM, of which I am still a member, and he always wanted to have a real impact on the quality of education for young people in Maine, and that he did. And for that, we are eternally pleased that he was able to be with us through all the years that he was. So I just want to say to his family my condolences to them, he worked hard for the people of Maine and, for that, we are truly thankful.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's with a heavy heart but a privileged spirit that I rise today to offer my words of thanks to Bob Woodbury for all that he offered to the State of Maine, and in the final years of his life, I am happy to say that I was able to call him someone that I was able to spend time with, that I was able to look up to and that I was able to learn from.

Before I knew Bob Woodbury personally, I knew his son here in the House, but more than that I knew his work. I knew his work as a leader for higher education in Maine, in New England and beyond. We all have passions and most of us have jobs. In the case of Bob Woodbury, his passion was his job, and it was higher education and everything he did, everything in his life, whether it was work in the University of Maine System, his work at the University of Southern Maine, his work on the New England Board of Higher Education, a board that he chaired for many years, the line between his work and his passion was

always blurred and I can't imagine that he would have wanted it any other way.

As I had the privilege of having causal conversations with Bob in the last few years of his life at New England Board of Higher Education meetings, I will always remember how excited he was to talk about the future of higher education, of where it was going. It is a passion that I share with him, that I continue to work for in the spirit that he did. So I am very grateful for the time that I knew him, I am grateful for the contributions he made to higher education in Maine, New England and across our country. Thank you, Madam Speaker.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's very sad when we lose a hero who is a hero for the whole state, and also Robert Woodbury was a hero for his community of Harpswell. One of the things I will cherish most is his encouragement to me when I first decided to run for office, saying that as a performer I didn't have the experience or the background to become a state legislator, and Robert Woodbury encouraged me and said that the experience I had in my life was enough for me to run for office. So I am forever grateful to Mr. Woodbury and his lovely wife and family, and we miss them dearly in Harpswell.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, would add my condolences to the Woodbury family. I've known Bob I think for over 25 years. I remember when we opened up the University of Southern Maine, the Sanford campus, he asked me to be opening speaker and, after I went on and on and on, he said "John, this is the last time I'm going to ask you to speak." He always had a good sense of humor.

I also served with his son Richard who was chair of the Taxation Committee, and I think what I remember most about Bob was that he put his family first. He was devoted to his wife and his family, as it says in the sentiment, a major source of pride to him, and he was very, very happy to have all of his children and their families living nearby in Maine. You'll be greatly missed, Bob. Rest in peace my friend.

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

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## REPORTS OF COMMITTEE

### Ought to Pass Pursuant to Public Law

Representative WATSON for the **Joint Standing Committee on Taxation** on Resolve, To Review and Update the Telecommunications Taxation Laws

(H.P. 1306) (L.D. 1823)

Reporting **Ought to Pass** pursuant to Public Law 2009, chapter 213, Part P, section 2.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 24, 2010.

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**Ought to Pass Pursuant to Joint Order**

Representative HASKELL for the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Further Amend the Sex Offender Registration and Notification Act of 1999" (EMERGENCY)

(H.P. 1305) (L.D. 1822)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1234.

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

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

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

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

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**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require a Pharmacist To Provide Prior Notification to and Obtain Consent from the Prescribing Physician before Changing from One Formulation or Manufacturer of an Antiepileptic Drug to Another"

(S.P. 644) (L.D. 1672)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

MILLS of Somerset

Representatives:

PERRY of Calais

JOY of Crystal

LEWIN of Eliot

STRANG BURGESS of Cumberland

EVES of North Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-390)** on same Bill.

Signed:

Representatives:

PETERSON of Rumford

JONES of Mount Vernon

SANBORN of Gorham

CAMPBELL of Newfield

STUCKEY of Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-390) AS AMENDED BY SENATE AMENDMENT "A" (S-434)** thereto.

**READ.**

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

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-746)**

on Bill "An Act To Amend the Laws Governing the Knowing Misclassification of Construction Workers"

(H.P. 1102) (L.D. 1565)

Signed:

Senators:

JACKSON of Aroostook

GERZOFISKY of Cumberland

Representatives:

CLARK of Millinocket

BLODGETT of Augusta

TUTTLE of Sanford

BUTTERFIELD of Bangor

GILBERT of Jay

DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport

HAMPER of Oxford

CUSHING of Hampden

BICKFORD of Auburn

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 446) (L.D. 1198) Bill "An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(S.P. 623) (L.D. 1658) Bill "An Act To Increase Maine's High School Graduation Rates" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-429)**

(S.P. 649) (L.D. 1677) Bill "An Act To Protect Minors from Pharmaceutical Marketing Practices" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-427)**

(S.P. 680) (L.D. 1773) Bill "An Act To Improve Dental Insurance Coverage for Maine Children" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-431)**

(H.P. 1111) (L.D. 1573) Bill "An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-756)**

(H.P. 1294) (L.D. 1807) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be

Rendered in Fiscal Year 2010-11" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-758)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 605) (L.D. 1598) Bill "An Act To Strengthen the Laws against Illegal 'Puppy Mill' Operators" (C. "A" S-419)

(H.P. 1296) (L.D. 1812) Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1298) (L.D. 1814) Bill "An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities"

(H.P. 1163) (L.D. 1635) Bill "An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program" (EMERGENCY) (C. "A" H-751)

(H.P. 1186) (L.D. 1685) Bill "An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine" (C. "A" H-753)

(H.P. 1209) (L.D. 1708) Bill "An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's 'Mini-COBRA' Program" (C. "A" H-747)

(H.P. 1218) (L.D. 1717) Bill "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses" (EMERGENCY) (C. "A" H-745)

(H.P. 1280) (L.D. 1792) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions" (C. "A" H-750)

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

(H.P. 1084) (L.D. 1540) Bill "An Act To Amend the Tax Laws" (C. "A" H-754)

On motion of Representative PIOTTI of Unity, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

**BILLS IN THE SECOND READING**

**House**

Bill "An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use"

(H.P. 1304) (L.D. 1821)

**House as Amended**

Bill "An Act To Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant"

(H.P. 1112) (L.D. 1574)

(H. "A" H-755 to C. "A" H-732)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE**

**ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-685)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish a Broadband Policy for Maine" (EMERGENCY)

(H.P. 1174) (L.D. 1646)

**TABLED** - March 9, 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-685)** was **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, March 24, 2010.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-738)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"

(H.P. 1094) (L.D. 1552)

**TABLED** - March 18, 2010 (Till Later Today) by Representative TUTTLE of Sanford.

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

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

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

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. First of all, I want to thank the members of the committee who voted for this bill in the Labor Committee, and I'd like to tell you about why the bill is here. The issue of foreign labor in my area had been a longtime problem and so for many years we've tried various ways to try to deal with the issue and we have not been successful. Then what came to me, as I said in one of my 4 hour drives where I caucus to myself alone to and from Augusta, I went back to the time I was a sponsor of a piece of legislation when I was a member of the minority to try to preserve forestland and to keep forestland in production, and I was the sponsor of the Tree Growth Law which is now on the books in Maine. The purpose of the legislation was twofold. One was to keep jobs in Maine by attempting to having the land continue to produce trees so that we would be able to have tree production, forest protection, and that it would not be open to development but people would keep an interest in keeping it in growing tress, and the purpose of the legislation was to give a tax break to those landowners who choose to do that. So as I was thinking of what we had done on an economic basis, I realized the very benefit that we were giving was not going to

people who are Maine citizens. What goes on in my area basically is where the landowners hire foreign contractors and the foreign contractors hire their own friends, relatives and whatever through the bonding process that is allowable under federal law and realize, quite frankly, that that certainly was not the intent of the legislation that I had put into play in the late 60s, that it was actually hurting the people I represent. And over the years, many young people have left my area to work elsewhere in Maine and out of state. I have friends who are now working in the woods industry in Vermont, among other places, who travel home every other week to see their family, and they could have a job 50 to 75 miles away from their home rather than 400.

Now some people will say that I want to do away with Tree Growth. That is not the case. What I'm trying to do is to provide incentive to the people who own the land to provide for jobs for Maine workers. What this bill would do would simply say if you don't hire persons who are from Maine as a contractor, the person for whom you work, the landowner, will lose the tax break for the year in which you are doing what you're doing. Now I know that some people will say this is a sledgehammer. You know what? I'm tried everything in my 30 years trying to deal with the issue and I don't know where else to turn because, in the meantime, people from my area have to go elsewhere and we have lost young men and women who could have stayed in the area, and I am hoping today that we can take a first step in trying to figure out a way. Because keep in mind that the landowner and I will point out in the last 10 years 8 million acres of land in my area has changed hands, that ownership has changed. The paper companies are gone and there are only two companies that have any direct involvement with a mill and one of them is not in the United States. All the other mills have gotten rid of all their land and the land is now owned by investors including, as I said to the caucus, the owner of Subway now owns the former IP land at Clayton Lake, and I can go on and on and give you when you look at the list of ownership. And I'm not talking about 500 acres. I'm talking about thousands and thousands of acres, names that you've never heard of and you may not even know their ownership, most of it from out of state, most of it for investment purposes. And so what I am hoping to do today is to ask this House to move with me in trying to find a solution and I know for a fact that this will lead to a solution. It is the very first time in my legislative career on this issue where landowners have actually called and said "What can we do?" And so what I want you to do, if you will today, is to vote for Passage of this bill and move in a direction where we can get to a solution.

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

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have great respect for the knowledge and the wisdom of the gentleman from Eagle Lake. I find it somewhat unfortunate that today we're standing to speak to an issue that we have different viewpoints on. Having heard this issue in committee, I reflected back on the many years that I spent at Ripogenus Lake as my parents developed a campground there. I have a great fondness and love for the land that makes this state so special, I have a great respect for the people in the forest products industry, those who have for generations worked in the woods and harvested timber, and I have a great respect for those who own the timberlands that make up a large portion of our northern sector of the state. Many of those names that the good Representative spoke to have disappeared, the IPs, the Great Northerns and Scotts, those companies that were traditional owners and forest products companies have unfortunately left our state and many of them have ceased to exist. They provided countless jobs for people in

the State of Maine over the past couple of centuries and it's a proud tradition.

I can respect those who in northern Maine and in western Maine, who continue to work in the logging industry because, to them, it's more than a job. It's a heritage; it's a craft that they feel they make a significant contribution to. The people who own those lands today use agents to contract for the cutting of timber. Some of the cutting that takes place, although the use of technology and new equipment has changed that, still uses some of the same traditions of loggers going into the woods for an extended period of time. I would encourage any of you who have not had the opportunity to travel to northern Maine and appreciate our forest to reflect on how long it would take you to drive from eastern Aroostook County through the road system to get to western Maine, northwestern Aroostook County where a lot of these harvesting operations go on. Some of the names that were mentioned here today own large tracks there of undeveloped land. It takes sometimes two, three hours, so therefore, for the workers to be in the woods, it is a large commitment and it is certainly a commitment that affects their families. To that end, as I speak to this bill, I want you to reflect on what that means for workers who may not want to be away from their families, those bonded laborers who come in, come in at a time when the forest industry desperately needs a surge of additional timber so that they can fulfill their commitments to the mills that will provide the jobs to many other good Mainers who work in the forest industry.

It also provides the export of products from our state and our country that helps to chip away at that balance of trade. We have Maine wood that has traveled across the country to be used in many products. If we deny the opportunity for people to continue to harvest that wood, this won't be a first step, but this will be the last step in what we do in impacting Maine's forest products industry, the loggers, the truckers, the people who provide the equipment. Many of those industries have suffered over the last few years because of a decline. If you create an environment where the landowner feels at risk, you will not accomplish some of the noble goals that the Representative has referred to here, but you will cause some of them to step back. We'll see more than 8 million acres of land change hands again because it will no longer be the quality investment that some people have come to look for, as they have shied away from other investment tools that have proven less reliable. I urge you to think very carefully about this and I respectfully ask that you follow my light in voting no on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. With all due respect to Representative Martin, the paper industry in this state is not entirely dead. I work at one mill. It is an \$11 billion a year industry in the state. Right now because of the earthquake in Chile and strikes going on in Finland, the price of lumber is going through the roof. Several southern mills have shut down. This will be a further nail in the coffin of their ability to achieve this resource of lumber and it will further hurt an industry that has already suffered. Thank you.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would hope that you would support the good Representative from Eagle Lake on this issue. I also had a great deal of communication with my co-chair on the committee who was a former member of this House, former Representative Jackson. This bill requires a

landlord to notify the Department of Conservation Bureau of Forestry if forestland is harvested by a harvester who uses bonded labor under the federal H2A bonded labor program. This situation has been going on for about 50 years with extreme problems to northern Maine, Aroostook County. Essentially they are just not hiring Maine workers. I know when the trade agreement came in, I remember former presidential candidate Ross Perot said he heard a giant sucking fountain going away from America, and this is one of those prime examples. It's been on and on and on, and it's really affected the many Maine workers. The use of bonded workers in place of Maine workers has been a continuous problem and it is worse in the present economic climate. Essentially, none of the Maine workers testified at the hearing because they were afraid of the few jobs that they had. Displacement of Maine workers is because of ownership of the land. As Representative Martin has said, the intent of the original Tree Growth relief was to help Mainers, not out of state corporations, many Canadian investors, many from out of state. He mentioned Subway. The bill does not allow while landowners whose lumber is cut by non-Americans or visa workers to benefit from a tree tax break, and they get no break on the fire protection because Mainers essentially provide 60 percent of a tax if you own 500 acres or more. I was very concerned because I have a number of small woodlot owners in my area, but the way the bill is written, it does not affect them. I think this bill levels the playing field, something that probably should have been corrected years ago. Representative Martin has been working with the Governor's Office and the industry as you've heard. I think we're finally reaching some agreement after a number of years and I'd ask that you would let this process go forward. I would like to get to a position of Engrossment where we might do some negotiations and reach some middle ground. I feel it is good public policy to allow Maine tax law to assist Maine workers. I think it only makes good commonsense and was the reason why the law was implemented in the first place. Thank you, Madam Speaker.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I speak to this issue today from two different perspectives, from my eight years serving on the Committee in Business, Research and Economic Development, but also I did the math, almost 30 years as a forester. When I worked for International Paper back in the 80s, I oversaw logging crews, both Canadian and American crews, so this is something that I worked with some time ago. Initially, when I saw the bill I hesitated, I had some concerns about it because the Tree Growth program has great value and any time that we change the rules we run risks with it. But I was convinced in conversations that this is a good idea and I will be supporting the pending motion.

The purpose of the Tree Growth program is to reduce property taxes to a current use level for landowners who are dedicated to growing timber for the forest products industry. This is a business tax incentive program like so many that we have. The frustrations that you hear often and it comes up in many committees and there was an OPEGA report, is on trying to find accountability for our tax incentive programs. That, for me, was the turning point on this bill over others that we have seen, that have changed the rules for a Tree Growth program. This one is appropriate because it ties the Tree Growth tax program to Maine's economy, to Maine workers. The other key for me is that it does not force withdrawal from the program. There are tremendous penalties that come with withdrawing your land from Tree Growth. This only suspends the benefit for the year that

they hire Canadian workers. Those were two key points for me and caused me to support this, and I will be voting for the pending motion. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is just another attack on Maine business. It's another nail in the coffin of our mills. We already have in place a law that says that you must hire Maine workers first and, if you can't find them, then you can go to bonded labor. Please vote no on this bill.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen. I have heard it mentioned a couple of times that this measure would merely remove someone for Tree Growth for a year, however, I have read the bill and it simply says that if bonded labor is used, the assessor is to be notified that that land no longer qualifies for Tree Growth. I don't see anything in there about a year or temporary penalties. You know, the withdrawal from Tree Growth is an extraordinary penalty. You're talking about five years of back taxes at 100 percent, plus a premium on top of that of a percentage interest value. If this measure is only for one year and it's some kind of warning, the thing can be cured when you hire bonded labor and apologize for it, and I probably won't have any objection to it, but I would appreciate someone telling me where in the bill this one year period exists. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. Under the provision of the Tree Growth that if you lose your membership you can come back and reapply under law now, what we've done. Now the purpose of what we have now and if it's not clear enough I'll get an amendment to correct it, because the intent is basically that you lose it for the year in which you are using foreign labor on that piece of land. And so we are far enough along the way that if we get to that stage, we will correct it if that seems to be an issue.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CUSHING**: Thank you, Madam Speaker. I would like to know what the penalties are for withdrawal from the Tree Growth tax program and what would, at this point, be assessed to the landowners if they were found not to be eligible to remain under Tree Growth and would it affect only the lots that are being cut or, if they own other acreage, would their other acreage be removed from Tree Growth?

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, it would occur on the ownership that they occupy, first of all, and secondly, what is even more important

than that, they would lose any of them if they were to use Americans.

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

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

The SPEAKER: The Representative may pose her question.

Representative **DILL**: I would like to know if American workers are allowed to do this kind of work in Canada.

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

Representative **MARTIN**: Thank you, Madam Speaker. I'd love to answer that question. The answer is no, no way, any how at any time.

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

Representative **CUSHING**: Thank you, Madam Speaker. With all due respect, I'm not sure that the complete portion of my question was answered, and I'm wondering if anyone might be willing to respond to what the current penalty is for removal of property from Tree Growth and just to clarify if this law does mean that their entire acreage, if they own 10,000 acres and only a thousand was being cleared, would the full 10,000 be removed from Tree Growth.

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

Representative **MARTIN**: Thank you, Madam Speaker. It is for five years. Five year penalty, back taxes, interest, and it would be for the entire parcel.

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

Representative **CHASE**: Thank you, Madam Speaker. To the best of my knowledge and the 18 years I was a tax assessor, Tree Growth, when it's removed, it's removed in its entirety for whatever parcel is listed under that particular program and it's based on the difference. It's not based on the difference in your last five years of taxes; it's based on the difference between what you are being assessed for and what you are actually paying in Tree Growth. So, for instance, if you're in our area, if the excess acreage is \$2,500 an acre for an average cost, that's what you would normally be assessed for and in the Tree Growth you were being assessed only \$500 an acre, what you would pay is the difference between the two, which would be \$2,000 an acre, times 30 percent of that amount for the first 10 years, and then it drops one percent for the next 10 years. So if you've been in 20 years or more, you are always going to pay 20 percent of the difference. So it is a huge penalty, a very, very big penalty.

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 know that the Canadian workers all have health care because the government pays for it. Do the landowners pay the American workers health care? That's a question to the Chair.

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

Representative **MARTIN**: Thank you, Madam Speaker. That is one of the major issues that we face. Remember that the person who is the contractor on that land, in many instances it's

not an American, he is from Canada hiring bonded labor. Let's assume now that that same contractor has two Americans working for him or assume that he's an American contractor and the same thing is occurring and wants to cover himself and his family and a couple of his workers. He pays, let's say BlueCross BlueShield, on let's say four employees, but the other 20 employees are from Canada. The employer is exempt from having to pay because they are covered under the Canadian health care law and so there is a real savings, obviously, for that contractor to hire someone from Canada rather than hiring someone from the United States.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SAVIELLO**: I want to follow up on Representative Cushing's question because I'm a little confused. If I own 60,000 acres and I have 1,000 acres in a parcel that I cannot, and I have advertised all the proper advertisements, met all the requirements of the Department of Labor including advertising in Florida, and I end up having to hire a bonded laborer for that 1,000 acre parcel, are all my 60,000 acres now going to lose Tree Growth? Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. The purpose of the legislation is that it applies all the land you own in Maine. And secondly, I would point out to you that the valuation of that land is not \$2,000 an acre or \$5,000 an acre. That woodland in northern Maine is assessed at about \$250 an acre, so the amount of the tax that you'd be paying differential is very little between the two factors of whether or not you're in Tree Growth or not in Tree Growth.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise as a member of the BRED Committee in economic development and retaining jobs, and creating jobs in Maine is certainly very important to our committee, it's important to me, and I'm not an expert on this issue. I did have the opportunity over this past weekend to engage in a dialogue with a harvester who has worked in many of the geographic areas we've been talking about. I had two questions for him and I just wanted to share this with you. One, I asked are the Canadians actually taking Maine jobs/American jobs by hiring when the harvester hires the Canadian worker. His response was no, that he was not able to find Maine workers to take the jobs because it involves, in some of these areas, extensive stays in logging camps which he was finding less willingness for some of the Maine workers wanting to do so the Canadians were being hired for that. My second question was then were the Canadian workers working for less money, coming across the border and coming into Maine and working for a lower wage. He said no, they are paid the same as the Maine workers, and he also pointed out to me that they pay State of Maine income taxes while they are here. Thank you.

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

Representative **MARTIN**: Thank you, Madam Speaker. I'm so happy that that question was raised. Let me describe to you what a contractor does advertising for jobs. You apply for the job, you are told that you have to take the test even though



you've been working for 20 years in the woods and so you drive from St. Francis to Danforth to take the test. Where is the job located? In Big Twenty, Estcourt, which would be from St. Francis about 35 miles away, not Danforth on the Canadian border on the New Brunswick side. So the games that some of the contractors play are unbelievable. Now you show up at the job site, you want a job, the person that is giving you the test, I'm sorry, I don't speak English, so you go back home over and over and over again. You wonder why people in my area are frustrated. They are frustrated with contractors who do this to Americans. First of all, most of them are not Americans, the contractors themselves, but working on land that is owned in the United States. Frustration? Yes, we've had it for 40 years. Would there be jobs? Absolutely. They can be hired, they can work and they do stay overnight. That's the other rumor I hear, they want to go home every night. Some do but some now are staying overnight in the Jackman area, who come from my area, a week. Some other of them are in Vermont cutting wood, that's more than overnight. So if you are looking for an economic benefit to help Maine people and Maine workers, this is it. If you want to help people who are foreign contractors, who hire foreign employees, then you will vote against this bill. It's that simple.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CELLI**: Does this legislation affect one company more than any other?

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

Representative **MARTIN**: Thank you, Madam Speaker. I'm not sure how to define the word company because it affects the landowner. Now the individual contractors who are on that land work for five or six or seven corporations or land investors and I'd have to stop and think as to, I'm just trying through my own mind, verbally trying to figure out. I could list off, but I can't think how it would affect one more than the other because of the 30 contractors or so, the Canadian contractors that are in Maine woods now, that they work for a whole probably 20 landowners. So I'd have to sit down and actually count them. So keep in mind that there are 45 or so companies that have applied for bonds. Most of the companies that have applied for the bonds are Canadians and right now we have about 166 to 180 bond workers right now that are in the Maine woods working.

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

Representative **CELLI**: Thank you, Madam Speaker. Yes, if I may clarify my question then. Will this legislation hurt one corporation, who hires possibly more contractors than others, more than another corporation?

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

Representative **TUTTLE**: Madam Speaker, analyzing it, I don't believe so. I think it treats everybody fairly. But I'm just asking that we would sort of get this in a position where we can get negotiations going forward. I realize the concerns of the other side, but I think in the preliminary process if you just allow us to go forward it will be a benefit to all the people of Maine. I'm asking for support on that.

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. In response to a couple of the questions that have been asked, I think the answer to the question of the good Representative from Brewer is that it depends. It depends on the choices made by each company going forward. If a company uses bonded labor under the H2 bonded labor program, then it would affect them. If they choose not to do that, then it would not. Let's remember that at bottom, this is very simple. Tree Growth benefits, which were also asked about, are not a god given right. They are not a right of any kind. They are a privilege extended by the taxpayers of the State of Maine. They are not an entitlement, they are a privilege and that's all this bill is reminding us of, and if you vote for the pending motion, you are voting to ensure that that privilege is extended only to those that play by the rules, that make sure that Maine workers and Maine's economy are protected and considered in employment decisions. Thank you.

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

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is clear by the debate that has gone on here that we all find this to be an issue of importance. I think the important factor to remember is that when we pass legislation in this House attempting to do something which, as the good sponsor of this bill has indicated, has been at odds for over 40 years, there are consequences to those actions, and we need to dwell very significantly on how we try to pass legislation regarding this matter and what the consequences of that will be.

A number of years ago during a prior administration, there was a referendum regarding other activities in the Maine woods in relationship to what was referred to as clear cutting. Dramatic changes in landownership took place as a result of the concern of many parties who were involved in the ownership of land and what they were going to be able to do. When you harvest trees, it's not like harvesting other agricultural crops. You may be looking at a 20 to 40 year lifespan before that land could be harvested again, so the cost associated with that when you consider the loss of Tree Growth in land that you are not cutting, your tax incentive, because you have been placed in a position of having to hire contract labor, bonded labor on other parcels of your land, could have a very chilling effect. It could also have an effect on abilities to produce the wood necessary for our forest products industries to continue to operate.

The manner in which this came to our attention caused me to ask our Department of Labor for information regarding unemployment statistics. They provided it on a monthly basis by county. It became very clear as I reviewed those figures that there was no county but one that had an unemployment role during their highest peaks, which is what's referred to as the mud season of April and May, that was over 100 people in the forest products industry. So there is one area of the state which is very sensitive to this. I respect that the good Representative cares deeply about that area of the state. He has passionately represented them for well over 40 years now, but the impact of what this legislation will do affects all counties in which people have Tree Growth. So it causes me to ask you to pause and think is it appropriate for us to throw the baby out with the bathwater? Is it appropriate for us to take a problem that is apparently of a regional nature and inflict it on people who have been operating very diligently and responsibly in other parts of our state, in Oxford and Franklin Counties, in Piscataquis, Somerset, Washington, Penobscot? Think of the implications to the people

who need that supply. I was informed by some individuals who have contracts to cut wood that because of the difficulties in this season in acquiring even bonded labor, they will fall 20 to 30 percent of their quotas. The mills will still need that wood. The question becomes, what does it do to the rest of our industry if we inflict this on the entire state? Thank you, Madam Speaker.

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

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think many of you know I've worked in the forest products industry for 32 years and full disclosure to the company I work with owns no land at this point in time, and I am now the retiree emeritus in this mill. I think I would be safe to say that the people in my district would say I've tirelessly worked to bring Maine jobs into my area and particularly into rural Maine. I think the good Representative from Eagle Lake has given some great examples of problems and issues we have. In fact, I've challenged my friends in the forest products industry. Unfortunately, Tree Growth, the hammer of Tree Growth is not the answer. It is the wrong message to send, it's the wrong thing to do. I think we need to find ways to fix some of these things and I would be glad to work with you, but I cannot vote for this bill as written. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We spent quite a bit of time this year on Tree Growth in the Tax Committee and I believe Tree Growth is a good program, but like a lot of programs, there are abuses. I think this is an abuse. Don't kid yourselves. Somebody is paying for these tax breaks that these companies are getting and it's the Maine people, and when they're getting a tax break on one end but don't want to hire Maine people on the other, because it's cheaper to hire a Canadian because of health care, that's not right. They shouldn't be getting it both ways and I support the pending motion.

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 guess I need to clarify my question even further. Will this legislation hurt the Irving Corporation more than any other, and I would also like to know how it's going to affect blueberry pickers and apple pickers.

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

Representative **MARTIN**: Thank you, Madam Speaker. Taking the second part of the question first, it would have no impact on the blueberry industry at all because they come in under a different classification. In reference to Irving, it has absolutely no impact whatsoever because the Irving company does not hire bonded Canadians. I repeat. They have no bonded laborer Canadians working in the woods in Maine on their 1.3 million acres of land. The only foreign labor that they have are foresters that are covered by NAFTA that are not included in this program at all. That may shock because you probably thought I was after Irving. I am not. I am after those employers who hire bonded laborers. And Madam Speaker, if I might continue for a moment on the unanimous consent for a third time I believe.

The SPEAKER: The Representative from Eagle Lake, Representative Martin, having spoken twice now requests

unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **MARTIN**: The amazing part of all this is that there are some of you in this room who are supporting the foreign employers, but I just want you to know if you are also an employer in Maine, you are also paying for the unemployment that these Canadians are getting when they go back to Canada. Because almost \$500,000, in excess of what we're paid for by employers in the unemployment fund, was paid to those workers who are living in Canada when they go home during mud season. So you are also hurting Maine employers who are paying unemployment tax.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I promise to make my comments brief because those are the best kind. I, like the good Representative from Eagle Lake, represent a rural district that borders Canada so I have an impact or I am affected in some part by bonded labor, but I'm also a first generation American. My mother's family came from Canada as woodcutters and the argument then, as it is now, is that they were taking American jobs. Simple fact is the hard work of those Francos that came down here and did that is what made Maine great. They supplied wood to mills that provided jobs to other Americans. We're going to affect those jobs now so I will not discriminate against my roots, number one, but number two is I will not affect the supply that will affect American jobs that already exist. That's all I have to offer.

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

Representative **CELLI**: Trust me, I'm not going to try to clarify that other question again, but one part of my question was not answered and that was how is it going to affect our apple growers and the apple pickers?

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

Representative **MARTIN**: Madam Speaker, it would have no impact on them at all.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **CUSHING**: Thank you, Madam Speaker. There have been several issues raised here in the debate, I just would like to clarify. We are talking about Tree Growth Tax and I know it is confusing to some of you because this bill did not go to the Taxation Committee but came to the Labor Committee, but that's an issue for a separate day. The question here does not seem to revolve around insurance; it doesn't seem to revolve around some of the other debates that we've had. There is a federal program to provide bonded workers from other countries to come here to supplement industries that have been unable to fund sufficient workers, American workers who have been able to supply the needs at particular times. We've had reference to some of the other agricultural crops like apples, blueberries, some of the other farm crops that are harvested in Aroostook County.

I also want to point out that I believe that Frasier Paper is a Canadian company that has done us the courtesy of maintaining a mill in Madawaska. Companies have stepped in, in other cases

in the forest products industry, so we might want to be cautious of biting the hand that feeds us when it comes to some key issues in the industry.

I think it's also important that we recognize that when we export our products, a product we can be very proud of, Maine timber, in a raw state or in a finished state, it provides jobs for Maine people to transport that product. It provides an opportunity for people in Maine to export something and generate revenue back to our state, and it is important that we be cautious of what we do to the delicate balance. I've always been taught by people in the woods industry that the woods industry is like a three legged stool: you have the landowner, you have the contractor and you have the industry that consumes the wood product, the mills, be they sawmill, be they the paper mills that many people here had relationships with. They are the consumers of Maine product because we have a quality fiber that comes from Maine woods, and if we do not provide that quality, one of the legs of the stool may fall off, being the consumer mills of that product. If they continue to go down as Lincoln and Old Town and Brewer and Millinocket and East Millinocket have done in the past, as Baileyville has done, we have to weigh what the impact is going to be on those local communities, on those regions of the state if they choose not to come back up again because they are concerned about the ability to get the supply of wood necessary to operate their businesses. Thank you again, Madam Speaker.

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

Representative TUTTLE: Thank you, Madam Speaker. Very briefly, I know on occasions I always get up and say, like the previous ten speakers, I have nothing new to add, so I won't say that this time. But briefly, you know the Labor Committee this year I think has been the best committee I've worked with in my 30 years. All I'm asking as the chairman of the committee is to get this to a posture where we wouldn't hurt either side. So that is what I'm asking that we do. So give us a chance to do the right thing. I see the concerns from the other side. I see the concerns from Representative Martin that hasn't been addressed in 40 or 50 years. As chair of the committee allow me to get that into a posture where negotiations are going forward, so I would ask for your support.

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

**ROLL CALL NO. 299**

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

NAY - Austin, Beaudette, Beaudoin, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Hayes, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Peterson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson,

Rosen, Sarty, Saviello, Strang Burgess, Sykes, Thomas, Tilton, Valentino, Van Wie, Watson, Weaver.

ABSENT - Butterfield, Campbell, Cohen, Langley, McCabe, Pendleton, Peoples, Tardy, Thibodeau, Treat.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-738) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 24, 2010.

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

(H.P. 1090) (L.D. 1548)

TABLED - March 18, 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-724) was READ** by the Clerk.

Representative EBERLE of South Portland **PRESENTED House Amendment "A" (H-757) to Committee Amendment "A" (H-724), which was READ by the Clerk and ADOPTED.**

**Committee Amendment "A" (H-724) as Amended by House Amendment "A" (H-757) thereto was ADOPTED.**

The Bill was assigned for **SECOND READING** Wednesday, March 24, 2010.

**An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas**

(S.P. 627) (L.D. 1662)

(C. "A" S-402)

TABLED - March 22, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 300**

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Cain, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, Nass, Nelson, Nutting, O'Brien, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson,

Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Burns, Crafts, Davis, Gifford, Johnson, Joy, McLeod, Sykes, Thomas.

ABSENT - Butterfield, Campbell, Cushing, Langley, Pendleton, Peoples, Sutherland, Tardy, Thibodeau, Treat.

Yes, 132; No, 9; Absent, 10; Excused, 0.

132 having voted in the affirmative and 9 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

(S.P. 733) (L.D. 1818)

TABLED - March 22, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FINAL PASSAGE.**

On motion of Representative DUCHESNE of Hudson, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

The same Representative **PRESENTED House Amendment "A" (H-765)** which was **READ** by the Clerk.

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

Representative **DUCHESNE**: Thank you, Madam Speaker. This amendment merely puts a deadline on the committee's authorization to submit a bill based on the report the committee will receive next year. Ironically that deadline it will go into statute was April Fool's Day. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-765)** was **ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-765)** in **NON-CONCURRENCE** and sent for concurrence.

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

#### MATTERS PENDING RULING

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-733)** - Committee on **JUDICIARY** on Bill "An Act To Establish a Duty To Report Serious Injuries"

(H.P. 1235) (L.D. 1738)

TABLED - March 22, 2010 by Speaker PINGREE of North Haven.

PENDING - **RULING OF THE CHAIR.**

The SPEAKER: The Chair has carefully considered the pending ruling as to the application of Rule 217 to LD 1738. The question presented to the Chair was whether LD 1738 was identical to LD 1258, which was presented and finally rejected by the First Regular Session of the 124th Legislature and would therefore be required a two-thirds vote in both chambers to be introduced under Joint Rule 217.

Joint Rule 217 states a bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in

a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

The Chair has examined the text of LD 1738 and LD 1258 and has found that while the texts look identical, subtle differences between the two bills exists. Accordingly the Chair rules that Joint Rule 217 does not apply to LD 1738, therefore, LD 1738 is properly before the body.

Subsequently, the Chair **RULED** that the Bill was properly before the body.

The SPEAKER: The Chair recognizes the Representative from Lee, Representative McLeod.

Representative **McLEOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise again today in opposition to the pending motion, and if we can defeat the pending motion, we have a good Minority Report to bring forth and please follow my light.

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

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would remind you again what the problem with this bill is. Everyone agrees that there is a moral obligation to report an injury, no one disagrees with that. But what the problem is, is that if you make it a legal obligation you get into a tangle of lawsuits and whether the injury was reported immediately or a little bit later, whether you should have reported the injury because there were five other people there you thought reported the injury but didn't, whether you were too late, whether you should have stopped or did not stop. It's almost impossible to insure in these situations there is reason why, for a thousand years, American and English common law have rejected this duty. So I urge you to support the majority members, the nine members of the Judiciary Committee in supporting the Ought Not to Pass Report. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to speak to this bill and ask that you not support the pending motion. This is simply a civil violation that would be created here. It's simply a request for people to report and request first aid. It's not a requirement for anybody to provide any personal assistance, to give first aid or anything like that. It's simply a request to put in a phone call to ask for first aid services. In this day of cell phones that's the least that we can do to make that simple call. The question has been asked, how do we know if it's serious bodily injury? I think the definition is very clear here. It's an injury that involves a gunshot wound, a knife, or profuse or substantial blood loss. You certainly will know seriously bodily injury when you see it. It also does not create a cause for civil action. I think that's a very important aspect to the bill. To me, it's only the reasonable thing that caring people can do, take action when they see this situation in front of them. I've seen several situations where quick responsive action could have made a difference in life and death of somebody who suffered from a serious bodily injury, but people who have chosen not to get involved. Unfortunately, that is the age that we live in. People have chosen not to get involved. This, to me, is a little bit of impetus to help people to make that decision. You can just imagine your son or daughter laying beside the road with serious bodily injury and people chose to drive by, take no action. How would we feel? To me, this is a very simple approach to the problem. It's not going to solve all the problem but it may save lives. To me, it's the right thing to do. Thank you, Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this motion. We had an incident happen in Lincoln last summer. Had this bill been in front of us and been passed, we may have saved a truck driver. He was a man from Tennessee who had a heart attack after a confrontation with some young people in the parking lot. If somebody had just made a phone call maybe we just possibly may have saved that man's life. So I think we owe it to the citizens to the State of Maine to pass a law to help. All we're asking is somebody to help out somebody in need. I don't think that gets to political or lawful or whatever. Thank you.

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

Representative **PRIEST**: Thank you, Madam Speaker. I was not going to debate the Minority Report, although that seems to have been started to be debated. I could certainly say why the Minority Report is going to be useless and why essentially it would burden the district attorneys with the necessity of prosecuting \$100 fine instead of murders, rapes and child abuse, but I won't because we're not debating the Minority Report. The report we are debating establishes full-fledged liability, and it's complicated. Let me give an indication of how complicated it can be. Let me read you the facts of the Cilley case which in fact was what brought this whole thing to us. These are the facts as related in the law court opinion written by Justice Gorman.

In 2003, Jennifer Lane and Joshua Cilley began a romantic relationship that continued over the next year and one-half. Although the two had discussed marriage, they had also broken up and reunited several times during those months. On January 30, 2005, Lane told Cilley that they needed to take some time off from their relationship, but that they would still be friends. During the late afternoon of the next day, January 31, 2005, Lane was drinking beer and eating pizza with two friends who lived near her at a trailer park in Washington County. In the early morning, after drinking four or five beers, Lane left her friend's trailer and walked a short distance to her own trailer to call her daughter.

Approximately five minutes after Lane reached her home, Cilley arrived and entered. Lane told him to leave; Cilley refused and initially blocked Lane's attempt to exit the trailer. The parties dispute what happened next. Lane claims that she tried to use her cell phone to call a neighbor for help with removing Cilley from her home. Lane also claims that, while she was on the phone, Cilley went out to his car, and returned carrying a small caliber rifle. He then grabbed her cell phone, threw it against the wall, and broke it. The Estate claims that the rifle was already inside the trailer. When Cilley brought the rifle inside, or grabbed it from inside Lane's trailer, it is undisputed what happened next.

Lane walked out of her trailer. As she was doing so, she heard a loud pop, which she later described as sounding like a firecracker. Lane looked back, and saw Cilley fall to the floor. She then heard him say it was an accident, it was not supposed to happen. Lane, who did not see any blood, did not investigate or attempt to assess whether Cilley was injured. She returned to her friend's trailer and told her two friends that Cilley had pretended to shoot himself inside her trailer. Lane's friends looked out the window and saw Cilley lying on the steps to Lane's trailer, halfway outside the door. They went over to Cilley, and noted that he was mumbling, "It was an accident." One of the friends picked up the gun lying near Cilley, and asked him if he had been shot. She noted that Cilley was turning white, and had difficulty breathing. The other friend went to a neighboring trailer and called 911. Cilley could not be resuscitated at the hospital.

He died as a result of a single gunshot wound to his abdomen from a .22 caliber bullet. According to the physician who treated him, Cilley could have been resuscitated if he had arrived at the hospital five to ten minutes earlier.

Now Ladies and Gentlemen, that is a very difficult case to find out who's at fault. Is Lane at fault for not going back into the trailer or the person who has a shotgun or a gun and who has prevented her from leaving earlier and smashed her cell phone? Maybe so, maybe not. But that's the kind of situation you're going to get everybody involved in if you pass this kind of bill. That's the reason that 9 members of the Judiciary Committee decided this was not a good idea. Moral obligation to report, yes, but there are so many factual situations in which you should not report or which you'd have problems reporting that you're going to be in a lawsuit to try to straighten them out. If you want to increase lawsuits, if you want to increase in their complexity, if you want to have more insurance issues become part of the problem, pass this bill, you will have it. Again, a moral obligation to report, of course, but please do not pass this bill. Thank you.

The SPEAKER: A roll call having been previously 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. 301

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Chase, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Gilbert, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McKane, Miller, Morrison, Nelson, O'Brien, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sykes, Theriault, Trinward, Tuttle, Van Wie, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Giles, Goode, Greeley, Hamper, Hill, Johnson, Joy, Kent, Knapp, Knight, Lewin, McCabe, McFadden, McLeod, Millett, Nass, Nutting, Pinkham, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Thibodeau, Thomas, Tilton, Valentino, Wagner J, Weaver.

ABSENT - Butterfield, Langley, MacDonald, Pendleton, Peoples, Percy, Sutherland, Tardy, Treat.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)** on Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent

(H.P. 1253) (L.D. 1759)

Signed:

Senators:

SULLIVAN of York  
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn  
CORNELL du HOUX of Brunswick  
PINKHAM of Lexington Township  
VALENTINO of Saco  
TRINWARD of Waterville  
TUTTLE of Sanford  
FITTS of Pittsfield  
CAREY of Lewiston  
NASS of Acton  
RUSSELL of Portland

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

Signed:

Senator:

PLOWMAN of Penobscot

**READ.**

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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

Representative **CAMPBELL**: Madam Speaker, if I was in the chamber on LD 1662, I would have voted yea, and on LD 1552, I would have voted yea.

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

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On motion of Representative COHEN of Portland, the House adjourned at 12:13 p.m., until 9:00 a.m., Wednesday, March 24, 2010 in honor and lasting tribute to the victims of the Holocaust, Dwight "Lib" Libby, Sr., of Freeport and Robert L. Woodbury, of Falmouth.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 408) (L.D. 570) Bill "An Act To Improve the Laws Governing the Consolidation of School Administrative Units" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-768)**

(H.P. 1206) (L.D. 1705) Bill "An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-769)**

(H.P. 1270) (L.D. 1780) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-770)**

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