

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Fourth Legislature**  
**State of Maine**

**Volume III**

**Second Regular Session**

March 24, 2010 - April 12, 2010

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
SECOND REGULAR SESSION  
28th Legislative Day  
Friday, March 26, 2010

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

Prayer by Dr. Gary Winn, Messiah Christian Church, Wells.

National Anthem by Amanda Alberda, Lewiston.

Pledge of Allegiance.

Doctor of the day, Gary Winn, MPH, DO, Arundel.

The Journal of yesterday was read and approved.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Amend the Waste Motor Oil Disposal Site Remediation Program"

(H.P. 1314) (L.D. 1827)

Sponsored by Representative MARTINof Eagle Lake.

Cosponsored by Senator GOODALL of Sagadahoc and Representative: DUCHESNE of Hudson, Senator: SMITH of Piscataquis.

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

Committee on **NATURAL RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Camden Hills Regional High School Wrestling Team, which has won the 2010 Class B State Championship. The team trailed its opposition heading into the semifinals and finals, and "everyone stepped up," according to Coach Levi Rollins. We congratulate the members of the team on their achievement and winning their first state title since 2007;

(HLS 1018)

Presented by Representative WELSH of Rockport.

Cosponsored by Senator RECTOR of Knox, Representative O'BRIEN of Lincolnville, Senator WESTON of Waldo.

On **OBJECTION** of Representative WELSH of Rockport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm honored to congratulate and welcome the Camden Hills Regional High School Class B Wrestling champions, their coaches, Levi Rollins, Brian Cassidy, and their athletic director, Bill Hughes. My son was a high school wrestler and as a parent, I learned a lot about how hard these athletes train and work and what a great sport wrestling is. It takes a unique sense of concentration and effort to participate and especially to win. This group of athletes worked as a group to win the most number of match points and thus the title. Everyone stepped up and did their part.

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

**Recognizing:**

Josh Thornton, of Rumford, who won the 2010 Class B Wrestling State Championship in the 140-pound weight division. Josh began his wrestling career in the first grade and was a New England Champion in the second grade. In the eighth grade, Josh went undefeated all the way to a state title. As a sophomore, he won the Western Class B Regional competition, placed fourth at the State Championships and the Eastern National Tournament and was selected to participate in the Maine-Nebraska Friendship Wrestling Exchange. Josh had a 34-4 record during the season he earned his state title. He placed first at the prestigious Redskin Invitational Tournament, the Mid-State Championship and the Western Class B Regional Tournament. We extend our congratulations to Josh on these accomplishments and wish him continued success;

(HLS 1037)

Presented by Representative PETERSON of Rumford.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Once you've wrestled, everything else in life is easy. This isn't the first time you've heard me quote those words from Olympic gold medalist Dan Gable in this chamber, but they are particularly significant today because we have in our presence a young man who has excelled in the oldest sport in the world, by reaching the pinnacle of K-12 grappling accomplishment here in Maine, a high school state championship. I have a particular soft spot for Josh Thornton because his father, Joe, was my wrestling coach when I first went out for the sport my seventh grade year. Joe was a patient teacher but also a fierce competitor and he passed that will to win along to his sons. I don't think I've seen dad stop smiling since February 13th when Josh was crowned a champion at the state meet.

Josh's path to a state championship was not without it's challenges this season. He sustained losses along the way, but he learned from those lessons and applied all of that knowledge to go all the way when it counted, and he's not done yet. Josh is only a junior this year and we just recently learned that he was invited to participate in the prestigious Maine/Nebraska wrestling exchange. So you can bet that his summer mat work out west will help to prepare him for a repeat performance next year.

Finally, wrestling is truly a family affair in the Thornton household. Josh's younger brother, Jake, will be on the mat tomorrow in Brewer, grappling for a middle school title at their state championships. We wish Jake good luck, Josh continued success, and congratulate a proud mother and father that we know will be cheering them along all the way. Thank you, Madam Speaker.

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

**Recognizing:**

Lianne McCluskey, a senior at Camden Hills Regional High School, who was named the 2009-2010 State Class B Female Swimmer of the Year. Lianne has won the 50 freestyle and the 100 butterfly titles at both the state and the Kennebec Valley Athletic Conference Class B meets. We congratulate Lianne on her receiving this well-deserved designation, and we send her our best wishes on her future endeavors;

(HLS 1044)

Presented by Representative WELSH of Rockport.  
Cosponsored by Senator RECTOR of Knox.

On **OBJECTION** of Representative WELSH of Rockport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm also honored to congratulate and welcome Lianne McCluskey, also of Camden Hills Regional High School, who's been named the 2009-2010 Class B Swimmer of the Year. Lianne has won the heart of her coach, Scott Bowen, and her teammates as a dedicated athlete and fine person. She has won titles across the state. As a fellow swimmer, I'm privileged to acknowledge her accomplishments and I wish her all the best as she continues to swim in college for Denison University in Ohio. Thank you.

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

**In Memory of:**

Winfield Cooper, M.D., of Bar Harbor. Dr. Cooper devoted more than 40 years to Mount Desert Island Hospital, the people of Bar Harbor and the Mount Desert Island area. He graduated from Lincoln Academy in 1943, was a member of Bates Navy V12 during World War II and graduated from Bowdoin College in 1945, Tufts Medical School in 1949 and surgical postgraduate Maine Medical Center in 1951. Dr. Cooper was a truly gifted physician and surgeon, with a unique sense of humor, a razor-sharp wit, wisdom and a common-sense intelligence. His talents and knowledge as a well-rounded family practitioner specializing in general surgery were well known. He was a member of many professional, civic and community organizations. He was medical examiner for the State and founder and medical director of Mount Desert Island Hospital Oncology Service. The Mount Desert Island Hospital Operating Room was dedicated to Dr. Cooper in 1993, and the former Medical Associate Building was renamed the Cooper-Gilmore Health Center in 1998. Dr. Cooper will be greatly missed by his loving family, his friends, his colleagues and his community;

(HLS 1045)

Presented by Representative FLEMINGS of Bar Harbor.  
Cosponsored by Senator DAMON of Hancock, Speaker PINGREE of North Haven, Representative WALSH INNES of Yarmouth, Representative DILL of Cape Elizabeth, Representative EBERLE of South Portland.

On **OBJECTION** of Representative FLEMINGS of Bar Harbor, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative **FLEMINGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am grateful to have this moment to honor Dr. Llewellyn Cooper, a

wonderful community member on Mount Desert Island, and an outstanding member of MDI Hospital's Medical Staff for over 40 years. Dr. Cooper passed away on Friday, January 29th of this year at the MDI Hospital. It is a great honor that Dr. Cooper's daughter, daughter-in-law, and companion are able to be here today, as we pay our respects to the memory of Dr. Cooper and to the extraordinary gifts that he gave to the people on Mount Desert Island and beyond.

Dr. Cooper was known and loved for his wonderful sense of humor and his great intelligence. He was an excellent and caring physician who won the hearts of his patients and of our community as a whole. He was a family practitioner who specialized in general surgery. He was an extraordinary asset to our community; he was involved in attracting many first-rate doctors and nurses to MDI Hospital, a good number of whom are still practicing today. His colleagues greatly respected and admired him and his work. He himself greatly respected his colleagues. He continuously showed appreciation to the nursing staff; he was known for crediting them as "the ones who really knew what was going on with the patient."

Dr. Cooper was not only an excellent doctor and surgeon, he was also a great friend to the people of Mount Desert Island. He leaves behind a legacy of quality, caring and service that will be greatly appreciated and remembered for years to come. The people of Mount Desert Island - and many other people whose lives he touched - will miss Dr. Cooper greatly. We, the Maine Legislature, give our deepest condolences to the family and friends of Dr. Llewellyn Cooper, and we pay honor and tribute to his memory. Thank you, Madam Speaker.

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

**In Memory of:**

Stephanie Etnier Doane, of Bath, who was active in the Mid-coast community. Mrs. Doane was born in Portland, the daughter of notable Maine artist Stephen Etnier and author Elizabeth Jay Etnier, and spent much of her childhood in Gilbert Head, Long Island. She married John Doane and was the mother of 3 sons. After raising her family in such diverse locations as Pakistan, Thailand, Ohio, Texas and Connecticut, she retired to Bath. Mrs. Doane will be greatly missed and long remembered by her loving family and friends and those whose lives she touched;

(HLS 1046)

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

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

**READ.**

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Stephanie Etnier Doane had deep, deep connections to Popham Beach in particular. She was a family friend and her sister as well, Victoria, a wonderful opera singer, and the history that she shares is art on the Kennebec River. Her father, Stephen Etnier, is one of Maine's most beloved coastal painters and when you walk through the complex of Augusta, in the library or in the Cross Office Building, you will find a little gem of her father's.

She was a big advocate for her father and for the arts in Maine and for coastal communities. Her brother, David Etner, works for the Department of Marine Resources. I would just simply like to say thank you to the family and to the friends for the continuation of wonderful history and dedication to the arts and Popham Beach.

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

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**CONSENT CALENDAR**  
**First Day**

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

(H.P. 1056) (L.D. 1507) Bill "An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-782)**

(H.P. 1271) (L.D. 1781) Bill "An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-783)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1224) (L.D. 1725)  
(H. "A" H-778 to C. "B" H-678)

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

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Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs"

(H.P. 1205) (L.D. 1704)  
(C. "A" H-736)

On motion of Representative SUTHERLAND of Chapman, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-736)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-781) to Committee Amendment "A" (H-736)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is merely a technical correction to the fiscal note. It was unintentional, some funds were mislabeled. It changes nothing to the bill or the funding, but it is just a correction. Thank you very much.

Subsequently, **House Amendment "A" (H-781) to Committee Amendment "A" (H-736)** was **ADOPTED**.

**Committee Amendment "A" (H-736) as Amended by House Amendment "A" (H-781)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-736) as Amended by House Amendment "A" (H-781)** thereto 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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Representative AUSTIN of Gray assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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**ENACTORS**  
**Emergency Measure**

An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors

(S.P. 649) (L.D. 1677)  
(C. "A" S-427)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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**Emergency Measure**

An Act To Strengthen Collection of Unredeemed Beverage Container Deposits

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

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

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

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 312**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Campbell, Casavant, Celli, Clark H, Cleary, Connor, Cotta, Cray, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Gilbert, Goode, Greeley, Hanley, Harlow, Harvell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, Nutting, O'Brien, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Richardson D, Richardson W, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Thibodeau, Thomas, Treat, Trinward,

Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wright, Madam Speaker.

**NAY** - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Crafts, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Robinson, Strang Burgess, Sykes, Tardy, Tilton, Weaver.

**ABSENT** - Butterfield, Carey, Cohen, Cornell du Houx, Dostie, Haskell, Peoples, Rosen, Wheeler, Willette.

Yes, 101; No, 40; Absent, 10; Excused, 0.

101 having voted in the affirmative and 40 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1284) (L.D. 1796)  
(C. "A" H-740)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

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

(H.P. 1296) (L.D. 1812)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

**Mandate**

An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention

(H.P. 1130) (L.D. 1592)  
(C. "A" H-721)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

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

Representative **THIBODEAU**: I guess I'm a little confused. I'd like somebody to explain what the bill is doing here. Can we have a little bit of explanation? I'd like to know or have an explanation as to what this mandate means.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This was a bill that took a lot of work in the committee and there were a number of things that were taken out of it and changed. The amendment itself changes the bill, it reduces. There were a number of things within the bill. One was permits and fees for burial that it was part of that. That was originally \$40, reduced to \$20. Another one related to rabies control. I think you probably heard that in the news. That's not in the bill. And it is also about the charge for municipalities' services, for papers related to vital records, and those rules or fees will be established by major substantive rulemaking and they will be reviewed every three years. For fees charged by the municipalities for vital records, those fees will go right to the community. The Health and Human Services Department will charge any use of papers and stuff that they have to give to the community for the ability to get the records. This was a lot more comprehensive than it is right now. So it's about fees for vital records that communities can charge, it's also about fees for burial and mainly that's about it, and the relationship in terms of charges with DHS to the community for their paper and equipment that's used in order to print off the official record.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill is just another increase of fees. The bill increases fees with certain documents regarding the birth, marriage, death certificates. It increases fees for plumbing permits. It increases the license fee, the eating establishment, eating and lodging places, recreational camps, youth camps and camping areas. It allows the department to collect a transaction fee from a licenser who renews a license electronically. This is fees, in other words taxes. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Madam Speaker. I request permission to ask a question of anyone in the body through the Chair.

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

Representative **PLUMMER**: Thank you, Madam Speaker. My question and the good Representative from Auburn answered part of it, but my question would be is there a fiscal note and are there anticipated increases in costs in future budgets? Thank you, Madam Speaker.

On motion of Representative PIOTTI of Unity, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

**Mandate**

An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program

(H.P. 1163) (L.D. 1635)  
(C. "A" H-751)

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

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, I did not mean to interrupt your introduction to the measure, however, I would like to take the opportunity to offer a few remarks on 1635 so that the body understands what we're voting for today. This is a mandate and it's important that we understand why. Today's legislation really dates back to 2007, when the Taxation Committee attempted and was informed of a very serious inequity in the Tree Growth Tax Law. Before returning to that amendment, however, just a very brief background.

You recall the Tree Growth Tax Law was first passed in 1971. A few years later it was amended to require property owners to file a forest management plan that is devised and supervised by a licensed, certified forester. This plan is to be updated every 10 years. That's the basis of the Tree Growth management scheme. The problems we faced in 2007 were brought by property owners, and I'll give you a very simple anecdote that covers many of their same cases. The farmer puts his land in Tree Growth, hires a forester, has the management plan certified. Nine years later, he dies, his surviving spouse knows they're in Tree Growth, doesn't really know much more about it than that. A year passes by; the 10 year plan is not recertified. There is a simple statement that must be filed with a municipality or the Maine Revenue Services in the case of the unorganized territory stating that the property continues to be managed in accordance with the plan. The widow didn't even know we were in Tree Growth, much less know that she was required every 10 years to file this certification and she missed it. So the only penalty under the Tree Growth plan, the only penalty available is to drop that plan for that property completely out of the program for a mere administrative violation. No evidence that the property itself was not being properly managed, that it was with a management plan but that the certification was not filed on time, often because the certification may come due in late spring when there's still five or six feet of snow in the woods and very difficult to find a forester to go out and cruise that land in order to make the certification. So for that minor administrative problem, landowners found they were booted out of the system and faced with the extraordinary penalties that we've discussed before.

So in 2007, we heard this testimony and these same property owners were assessed these enormous financial penalties, we decided that they were way out of proportion to the offense and we sought to correct it. We approved legislation that was enacted in the law effective September 20, 2007, and by this act we intended to provide property owners with a 60 day grace period in which for those people who had failed to obtain and file their 10 year recertification would have a 60 day grace period to do so before they were being booted out of the system. This is 60 days notice, 60 days to find a forester, 60 days to get the statement signed. Unfortunately, we since learned that the 2000 amendment was subject to other interpretations and for some property owners deprived them of that grace period. Now I'd like to make it clear that we're not being critical. Those who interpreted the 2007 amendment improperly or more narrowly than we originally intended, I recognize that we could have been clearer in the wording and I also recognize that this law is a very complex law, even for a committee that understands the law.

I brought 1635 to clarify the 2007 amendment and address the harshness of the penalty assessed for a mere administrative error. We held a hearing in February, we held four work sessions on this bill and the bill was expanded something more than I had intended. However, if enacted into law, the bill before you today would require tax assessors, both at the municipal level and in Maine Revenue for the unorganized territories, to provide notice to property owners before the 10 year deadline expires. In fact,

the amendment calls for no earlier than 185 days before, a full six months before the 10 year period expires the property owner will be notified by the municipality and by the Maine Revenue Services, in the case of the UT, that their plan is out for renewal, and they will be advised of the nature and extent of the penalty that is to be applied if they miss that deadline. Very clear recognition. The only mandate is what municipalities and the Maine Revenue frankly are doing now anyway, for the most part, and that is looking at their Tree Growth property owners, looking where the 10 years expires, trying to give those people notice in time to get a forester out there in the woods and do the work.

The 2007 amendment, as I said, was misinterpreted or interpreted more narrowly than it was intended by Maine Revenue Services in the case of a couple of property owners in the unorganized territory. So this bill applies this relief retroactively to September of 2007. The example I gave you the other day during a debate on a different measure involved a property owner with a small camp on an inaccessible lake up in the UT, as property owner, the property behind his camp was in Tree Growth. He could not even get out to his property because of the snow depth, must less get a forester out there. He assumed he had a 60 grace period in accordance of our amendment, made those arrangements, found that Maine Revenue had addressed our amendment more narrowly than we had intended and was in fact pulled out of the Tree Growth program and faced a fine of over \$60,000. We have had the Maine Revenue Services set that money aside. If this bill is passed and enacted, as it should be, that money will be refunded to that property owner. He'll be reinstated. Two property owners actually in the UT, they'll be reinstated into the program. Again, there was no claim or even suspicion that the property itself was not being managed appropriately within the Tree Growth program. The only problem was the certification wasn't filed on the day it was due. We thought we'd solved the problem and apparently we had not. This bill, was hoped, will.

I would like to thank the Maine Revenue Services, the Maine Municipal Association, the Small Woodland Owners Association, and interested parties who participated in our consideration of LD 1635. I'd also like to thank my fellow committee members for their careful attention and their trust in this measure at the result of their unanimous vote. Thank you, Madam Speaker. I would just encourage you please to support this mandate. The municipalities know its coming, it's not anything stressful but it will result in a great deal of relief to a program that needs it. Thank you very much, Madam Speaker.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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**Acts**

- An Act To Improve Oversight of Pharmaceutical Purchasing  
(H.P. 940) (L.D. 1339)  
(C. "A" H-693)
- An Act To Increase Maine's High School Graduation Rates  
(S.P. 623) (L.D. 1658)  
(C. "A" S-429)

An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine

(H.P. 1186) (L.D. 1685)  
(C. "A" H-753)

An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's "Mini-COBRA" Program

(H.P. 1209) (L.D. 1708)  
(C. "A" H-747)

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

(H.P. 1280) (L.D. 1792)  
(C. "A" H-750)

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

**Resolves**

Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans

(H.P. 60) (L.D. 71)  
(S. "A" S-439 to C. "B" H-644)

Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process

(H.P. 1063) (L.D. 1514)  
(S. "A" S-440)

Resolve, Directing the Maine Human Rights Commission to Report on Improvements

(H.P. 1081) (L.D. 1537)  
(S. "A" S-457 to C. "A" H-662)

Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process

(H.P. 1136) (L.D. 1608)  
(S. "A" S-438 to C. "A" H-658)

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

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

An Act Regarding Document Fees at County Registries of Deeds

(H.P. 1096) (L.D. 1554)  
(S. "A" S-449 to C. "A" H-669)

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

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

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

An Act To Protect Health Care Consumers from Catastrophic Debt

(H.P. 1148) (L.D. 1620)  
(C. "A" H-664)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **BERRY**: Thank you, Madam Speaker. I rise in support of the pending motion but, more importantly, simply to say, because many of you met him as this bill worked its way through the process, that there is no better moment than today to honor Richard Rocky D'Andrea, of Limerick, a constituent of the good Representative from Newfield, whose story was instrumental in bringing this issue to the public eye. I have sad news to share about Rocky this morning. Rocky, who was a Vietnam War veteran and a very hardworking Mainer, passed away recently after suffering from metastatic melanoma. And so in honor of Rocky and his family, I hope that we will enact this legislation to help those Mainers that suffer from catastrophic illness and are faced with debt. I would also have you know that a service is planned for Rocky on April 12th at 10 am and we will provide more details to members who met him as we receive them. Thank you, Madam Speaker.

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

**ROLL CALL NO. 313**

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Butterfield, Carey, Cohen, Cornell du Houx, Dostie, Fletcher, Peoples, Rosen, Wheeler, Willette.

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

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

An Act To Improve Dental Insurance Coverage for Maine Children

(S.P. 680) (L.D. 1773)  
(C. "A" S-431)

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

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



The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 314**

**YEA** - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wright, Madam Speaker.

**NAY** - NONE.

**ABSENT** - Ayotte, Butterfield, Carey, Cohen, Cornell du Houx, Dostie, Peoples, Rosen, Sykes, Wheeler, Willette.

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

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

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An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities

(H.P. 1298) (L.D. 1814)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 315**

**YEA** - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Celli, Chase, Clark H, Clark T, Cleary, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie,

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

**NAY** - NONE.

**ABSENT** - Butterfield, Carey, Cebra, Cohen, Cornell du Houx, Dostie, Peoples, Rosen, Wheeler, Willette.

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

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

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Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Private Information Contained in the Communications of Public Officials

(H.P. 1288) (L.D. 1802)

(C. "A" H-735)

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

On motion of Representative **PIOTTI** of Unity, was **SET ASIDE**.

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

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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 DIVIDED REPORT** - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-725)** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-726)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-727)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment" (**EMERGENCY**)

(H.P. 1089) (L.D. 1547)

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

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

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative **Pieh**.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand in support of the pending motion. I think as many of you know, especially those of us who attended a rather raucous Democratic caucus, we found between Report A, which I'm standing in support of, and Report B there were some differences, but they were close enough that the halls have been filled with folks on all sides of the aisle working together, all sides of the issues, working together to

come to consensus. Once we have this report accepted, as I hope you will accept it, the good Representative from Lincolnville, Representative O'Brien, will present to you the compromise. So thank you very much for your patience on this and thank you very much to all the folks that have worked so hard to come to a collaboration. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand in support of the pending motion and I do so as the sponsor of a current law, which this body passed and which the Agriculture Committee passed in a unanimous report last year. I am standing in support of this motion because I think that to everything, as farmers know best, to everything there is a season. Two months ago, I would have strongly urged you to vote for Committee Amendment "C". One month ago, I would have strongly urged you to vote for Committee Amendment "B". But today, I stand in support of "A" and I do so because I have significant concerns, not only about public health but also about the coming growing season, the immediacy of that growing season and needing to have a clear message, one way or the other, to growers as well as their neighbors, about what the rules of the game will be for this season. There will be plenty of time and I'm sure that many in this chamber will work hard over the next few years to find a better middle ground. I will be clear. This does represent a pretty significant shift from what this body did unanimously just a year ago. I am confident that the pendulum will ultimately end up in the middle, but I think that in order to get it there, we need to move forward together, we need to vote in favor of the pending motion and keep in the mind the good adage of carpenters everywhere. We should measure twice and cut once. I think moving in this report now, voting in favor of this report now will allow us to measure twice and cut once, to give ourselves the time we need to get it right and settle on a compromise that will, I think, be offered shortly if we get past this first motion. Thank you, Madam Speaker.

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, fellow workers. I with regret rise in opposition to the pending motion, request a roll call, and would like to speak to my motion.

Representative PRATT of Eddington **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **PRATT**: Thank you, Madam Speaker. I have a lot of respect for a lot of people that have taken part in this process and I initially want to thank them. I want to thank the good Representative from Lincolnville, Representative O'Brien, first and foremost for his tireless work on this issue and the committee as a whole. I'll try to be brief. I'm reading the writing on the wall. But I cannot in good faith and in good conscience to the process, this legislative process, to the citizens who have signed up for notification registry and for under the rules that this body unanimously supported just last year that hasn't even had a time to work, and on behalf of myself, I cannot vote for this Majority Report. Instead of measuring twice and cutting once, it seems like its death by a thousand cuts.

This is a complex issue, it's a difficult issue. I can appreciate it. To me, it comes down to a couple things, public health and

notification, and whose responsibility is it to be notified to do the notification, and whose responsibility is it to let people know what's going on in their communities. It's been a long, long process. To me, my personal opinion is the people who are doing the spraying, the people who are using these chemicals; it's their responsibility to their neighbors to let them know. That's happening right now. I don't doubt that. What I'd like to see happen is preventing complaints and issues from happening in the first place. Everything in this Majority Report, I will call attention to a blue sheet that's been sent out to you folks at your desk, going from current law to this Majority Report, with or without an amendment coming, is a huge, huge difference. A lot of people are totally fine with that. Direct pre-season notification is gone, totally out. The distances for people who have signed up for a registry have been slashed, they've been cut back. So now when people who have already been on this registry have asked, made the effort to say, please, let me know. We told them last year if you live within 1,320 feet of these spray areas they'll be required to let you know. That's been cut back, exemption after exemption.

There are some good things in this Majority Report. There is a quest to strive for a unified registry. That's a good thing. We're going to be working on that regardless of whatever report passes. It's not a reason to simply do this. I appreciate the time of this body. I just want to let people know that there are a lot of people out there, a lot of people in your districts, a lot of people in your communities, a lot of people who want to be notified of what's going on in their community and what we're doing is gutting a piece of legislation that this body passed last year. And I understand things need to change. I understand, believe it or not, everybody out there listening, this body has made mistakes in the past, okay? We have done some things that require some fixes, okay? This is not a fix. This is a systematic change in policy. We've got a lot of work ahead of us whatever happens here today. Remember this: All that we're talking about right here, right now is aircraft and air-carrier types of technology, and we're only talking about it now in terms of, for the most part, blueberry and vegetable. Other folks have been exempted. Forestry is left out, ornamentals are left out, mosquito spraying is left out. There's not a whole lot in here and it seems that you're specifically targeting a couple types of applications instead of doing what 1293 did last time, which I believe was far more comprehensive. We're not there yet. This is not a fix. It's somewhat of a high jacking, in my personal opinion, and it's certainly not an offense to any of the people who have worked tirelessly on this. I request that you look at this blue sheet, you see where it started and you see where we are and you listen to this amendment that's coming. I think you're going to find very little difference, and I urge you in this roll call to vote this down so we can get back to a point where we can feel better about the process. Thank you.

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

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Some of you know, some of you don't know, but I used to be a member of the Pesticide Control Board for 15 years and was the chair elected for my last eight years of that board. This issue is not a new issue to me because we dealt with it when I was on the board. In fact, my first involvement with the Maine State Legislature was when we suggested the language around drift and what it should do. We worked hard on that bill also as we tried to come up with the rules, and I sit here and I listen to this debate and this conversation and I want to applaud the committee for continuing to address this, because if we were that

smart 15 years ago to set the rules, we're geniuses today because they're really still not that bad. What I am discouraged about is the misrepresentation that has been made about the exemptions. There are no exemptions. If you take time to look at the Pesticide Control Board rules, in Chapter 51, deals with forestry, biting insects, right-of-ways, public health pests. There is a notification procedure for that. Could it be made better, perhaps true, but to say it is exempted is incorrect. Also, I will point out to you on the board, we worked very hard and it took us a number of years. We recognized the difference between aerial spraying and ground application and misblowers into trees. There's a big difference in the kind of drifts that can occur. I personally ran a spray program, about 10,000 acres a year for about six years, and went out of my way to make sure the public knew what we were doing, because if you let them know, the complaints and the concerns are a lot less. I believe this is a good step. I will be supporting both this bill and the amendment. Thank you, Madam Speaker.

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

Representative **BLODGETT**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I did not plan to get up but this is a personal issue. I personally do not believe that we should weaken the bill that we have. It's a huge public health issue and I believe in direct notification. Mine was my family. We were blueberry farmers and I was raised near this property. Pesticides used to be something we used to go out and look at the airplanes going over and think, wow, this is great. Well, as it turns out, I have three siblings. Two have MS and we all have autoimmune system diseases. Also, I was in my past life a director of Parks, Cemeteries and Trees. We used to spray pesticides and this wasn't aerial, which is all this bill is about, aeriels, but this was just with four-wheelers. And I used to have to notify people when I did cemeteries because they became violently ill if they were there within two days of spraying with a weed control and for dandelions, which are weeds, I guess, and that was a direct notification to these two families. So I concur with Representative Pratt that I don't think that we should, I think we should vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Maine leads the nation in regulations on pesticides. We are number one currently. Our growers produce some of the safest food that's sold in the markets today and the motion that's on the floor is good legislation and I urge your support.

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill and support the comments that Representative Pratt has presented. I live in a district that has a lot of agriculture and particularly blueberry fields. I have heard from so many of my constituents about their concerns about spraying in their areas and not being notified. Over the years, many of these are people who try to live a very healthy, I think we might say, organic life. They had their own gardens, they tried to choose their food carefully, and, time and time again, they found they were sitting in their backyard and a plane goes over and spray is coming down on their garden and on their children and on their family members as they sit there. Just in trying to address the issues that they are concerned about, I am standing here in support of their concern to be notified, each and every one of them, when this is going to happen in their immediate

area. So I stand in opposition. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today in support of the pending motion. I feel the report before you is a balance. This is a balance as far as separating emotion from technology and technique. We're talking about agricultural practices today, we're talking about a regulated community and we've come to a compromise. I will say that as far as it goes for the good Representative from Lincolnville, he has worked tirelessly on this issue and done an amazing, amazing job and I hope that we get to hear from him later on today in today's session. I will be supporting the pending motion and I urge others to follow my light. Thank you.

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

#### ROLL CALL NO. 316

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Duchesne, Eberle, Edgecomb, Eves, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hogan, Hunt, Johnson, Joy, Kent, Knapp, Knight, Langley, Legg, Lewin, Lovejoy, MacDonald, Mazurek, McCabe, McFadden, McLeod, Miller, Millett, Nass, Nelson, Nutting, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Sanborn, Sarty, Saviello, Shaw, Sirois, Smith, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Watson, Webster, Welsh, Madam Speaker.

NAY - Adams, Beck, Blodgett, Boland, Bolduc, Briggs, Crafts, Driscoll, Eaton, Flaherty, Flemings, Goode, Hinck, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Magnan, Martin JR, Martin JL, McKane, Morrison, O'Brien, Pratt, Rotundo, Russell, Schatz, Stevens, Stuckey, Treat, Wagner R, Weaver, Wright.

ABSENT - Butterfield, Carey, Cornell du Houx, Dostie, Peoples, Rosen, Wheeler, Willette.

Yes, 109; No, 34; Absent, 8; Excused, 0.

109 having voted in the affirmative and 34 voted in the negative, with 8 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-725)** was **READ** by the Clerk.

Representative O'BRIEN of Lincolnville **PRESENTED House Amendment "A" (H-786)** to **Committee Amendment "A" (H-725)**, which was **READ** by the Clerk.

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

Representative **O'BRIEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This process has been an education for me. I put myself in the middle of this issue last session at the end because, well, people found out that I am a blueberry raker. I work on a crew in the summers and we harvest conventional and organic, and they said, well, you know this is a hot issue in your area so maybe you should take this up. Well, I was out in the field raking last summer and the land manger saw me from across the field and he said some things that I probably can't repeat in this chamber about the law

that was passed last year. I said, look, okay? We're going to work together on this. I'm going to get you on a stakeholders group and we're going to get the interests from all different groups, from farmers to other pesticide using folks and members of the community that are concerned about the use of pesticides, and we're going to figure this out. The process was excruciating, kind of like passing a kidney stone. I had a hard time with it. Some folks in the Department of Ag have nicknamed me Charlie Brown because every time I present an amendment it gets taken right away and peeled back more and more. But I think that we have elevated the debate on this issue. I have stacks of faxes from concerned members of the community who have concerns about the use of aerial and air-carrier pesticides and I look at this as a landowner relations issue and I really hope that we can get both sides together when we come back to this next year. I don't want to put any stress on farmers who are already way overstressed, but I want to strike that balance of notification. So I am presenting an amendment today. It has some very modest tweaks to the Majority Report. We discussed this in committee. It has the support of the members of the Majority Report and we're going to come back to this. The issue is not going away, to be continued. So I hope you will support this amendment. I hope I can call off the troops and move forward and put this on hold for a little bit. Thank you.

Subsequently, **House Amendment "A" (H-786)** to **Committee Amendment "A" (H-725)** was **ADOPTED**.

**Committee Amendment "A" (H-725)** as **Amended by House Amendment "A" (H-786)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-725) as Amended by House Amendment "A" (H-786)** thereto 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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**HOUSE DIVIDED REPORT** - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-775)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning Statewide Communications Interoperability"

(H.P. 1201) (L.D. 1700)

**TABLED** - March 25, 2010 (Till Later Today) by Representative **PIOTTI** of Unity.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OULD NOT TO PASS** Report.

Subsequently, Representative **PIOTTI** of Unity **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, on motion of Representative **PIOTTI** of Unity, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-775)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-775)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**SENATE DIVIDED REPORT** - Report "A" (10) **Ought to Pass as Amended by Committee Amendment "A" (S-417)** - Report "B" (2) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-418)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle"

(S.P. 645) (L.D. 1673)

- In Senate, Report "C" **OULD TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418)**.

**TABLED** - March 25, 2010 (Till Later Today) by Representative **TREAT** of Hallowell.

**PENDING** - **ACCEPTANCE OF ANY REPORT**.

On motion of Representative **TREAT** of Hallowell, Report "C" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-418)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-418)** in concurrence.

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#### **PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Support the Dairy Industry"

(H.P. 1316) (L.D. 1829)

Sponsored by Representative **PIEH** of Bremen.

Cosponsored by Senator **BRYANT** of Oxford and Representatives: **CRAY** of Palmyra, **EDGEComb** of Caribou, **GIFFORD** of Lincoln, **KENT** of Woolwich, **McCABE** of Skowhegan, **O'BRIEN** of Lincolnville, Senator: **SHERMAN** of Aroostook.

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

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

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

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

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

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#### **REPORTS OF COMMITTEE**

##### **Ought to Pass Pursuant to Public Law**

Representative **HINCK** for the **Joint Standing Committee on Utilities and Energy** on Resolve, Regarding Emergency Communications Services (**EMERGENCY**)

(H.P. 1315) (L.D. 1828)

Reporting **Ought to Pass** pursuant to Public Law 2009, chapter 219, section 4.

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

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

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

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1265) (L.D. 1778) Bill "An Act To Enable the Installation of Broadband Infrastructure" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-784)**

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Make Corrections to the Life Settlement Laws" (H.P. 1073) (L.D. 1523)

**PASSED TO BE ENGROSSED** in the House on March 16, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-462)** in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-765)** in the House on March 23, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-467)** in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs

(H.P. 1195) (L.D. 1694)

**FINALLY PASSED** in the House on March 16, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-474)** in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

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

(H.P. 557) (L.D. 821)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)** in the House on March 17, 2010.

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

On motion of Representative PERRY of Calais, the House voted to **INSIST.**

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**Non-Concurrent Matter**

Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

(H.P. 1080) (L.D. 1536)

Majority (7) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)** in the House on March 24, 2010.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Representative CLARK of Millinocket moved that the House **INSIST.**

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "C" (S-464)** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

(S.P. 516) (L.D. 1432)

Signed:

Senators:

DAMON of Hancock  
SULLIVAN of York  
RECTOR of Knox

Representatives:

KRUGER of Thomaston  
MacDONALD of Boothbay  
PENDLETON of Scarborough  
WEAVER of York  
PERCY of Phippsburg  
EATON of Sullivan  
ADAMS of Portland

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

Signed:

Representatives:

McKANE of Newcastle  
PRESCOTT of Topsham  
TILTON of Harrington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-464) AS AMENDED BY SENATE AMENDMENT "C" (S-479)** thereto. **READ.**

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

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. As many

of you are aware, in 2007, the Federal Government reauthorized the Magnuson-Stevens Act which deals with fisheries, and in that reauthorization Congress declared that there should be a national registry for saltwater recreational anglers. What the Federal Government did was they offered states one of two options. The Federal Government would run it, they would charge for it, they would design it and they would receive the fees, or they encouraged states to create their own saltwater fishing registry. Two bills came before the Marine Resources Committee last session and we worked both of them, and then they were both carried over because there was still further work to be done. And in January this year, when Marine Resources reconvened, a representative from the Federal Government, from NOAA, Mr. Colvin, came to speak with the committee and he asked a lot of questions because many people were concerned, could the Federal Government actually require us to register anglers, and it turns out they could. They were specifically looking at anadromous species. For those of you who love fish would realize that these are fish that go up our rivers and they spawn in our rivers and they live out to sea, striped bass, alewives, herring. So the committee sat and pondered and worked out many different ideas about how to pass our own state registry. The Committee Report you see before you is a strong report, 10-3, and what we decided as a committee to do was to create our own registry and I would like to share with you the details of the Maine State Registry.

It would create a saltwater recreational registry administered by the Department of Marine Resources to register people engaged in saltwater recreational fishing. It creates a striped bass endorsement and a commercial operator's license and requires that individuals fishing for striped bass obtain an endorsement and captains of vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a commercial operator's license. It sets striped bass endorsement fee for residents at \$5 and nonresidents at \$15 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older and it sets the fee for a commercial operator's license at \$50. It directs that revenue raised from the striped bass endorsement and commercial operator's license be deposited in the Marine Recreation Fishing Conservation and Management Fund. It provides that clerks or other agents appointed by the commissioner of Marine Resources to register people on the saltwater fishing registry issues striped bass endorsements, or to issue a commercial operator's license, that agents must charge a fee of \$2 for each person registered, issue a striped bass endorsement or commercial operator's license provided. It also provides that the commissioner must charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees. It also makes a violation of the registration endorsement or license requirements a civil violation for which a fine of not less than \$100 may be adjudged. It provides that a person who holds a registry, a striped bass endorsement or a license issued under this amendment is subject to the applicable suspension provisions under marine resources law. It provides that members of a federally recognized Indian tribe in Maine recreationally fishing in saltwater must register annually free of charge. It provides an exemption to the registration and striped bass endorsement requirements for a person 16 years or younger, a person with a disability, a passenger on board a vessel captained by an individual who holds a commercial operator's license, person renting a smelt fishing camp from a commercial operator that holds a commercial operator's license, a disabled veteran and a resident fishing on the Fourth of July, Labor Day weekend or Memorial Day weekend. It provides that a

person holding a valid New Hampshire saltwater recreational fishing license may fish in saltwater in the area from Maine's southern border to Cape Neddick. It directs the department to work with fishing and hunting groups and other interested parties to notify and educate the public about the saltwater recreational fishing registry, and it requires the commissioner to report registry information to the United States Department of Commerce National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration, and it sets an effective date of January 1, 2011. That was the Committee Report, Ladies and Gentlemen.

A further amendment has been added. It was added in the other body last night and that amendment was to deal with the concerns of fishermen who fish freshwater, mostly inland, folks, who only come down to the coast a couple of times a year, and so the amendment that has been added to it in the other body simply says that if you are buying a freshwater fishing license and you fished for striped bass last year and you wish to fish for them this year, a Maine resident may check off a box and you will not have to pay the \$5. If a nonresident purchases a freshwater angler's license, they too would be asked to check that box off and they will pay the \$15 fee that people fishing only in saltwater would be paying as it is. Ladies and Gentlemen, this was a very contentious issue and nobody, absolutely nobody likes the idea that the Federal Government has created this mandate. I don't like it, members of my committee did not like it; however, the options were very clear to our committee. We could take responsibility for this registry, we could create the details, we could have the money go to a fund that is dedicated to saltwater fishing species and issues, and we could be in control of it and keep the money here in the State of Maine. Otherwise, the other option was that the Federal Government will begin charging in January 2011 and they will begin enforcing it. And so, Ladies and Gentlemen, I would appreciate your support in this issue as it is the wish of the majority of the Marine Resources Committee. Thank you very much.

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

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have no illusions that I will be able to stop the freight train that's started in the direction of a first time ever Maine recreational saltwater fishing license, but I want to make sure that everybody understands what we are doing here. I want to start by saying that this is not a complicated issue. It is, however, a tired and tortured issue – soundly defeated in the first session, resurrected, sent back to committee, carried over to the second session, worked, amended, worked again, lobbied intensely by the Department of Marine Resources and their allies all through this session, and when unsuccessful with their lobbying efforts, sent back to committee yet again and amended again. After all that LD 1432 is still unnecessary, and yes, expensive, and now more than ever a misunderstood bill.

It's been blurred and confused with the idea of this federal fishing registry. But when you boil it down to the salient facts, it is pretty easy to understand. This is about a first time ever recreational saltwater fishing license in Maine. I believe it would be a very sad day if we indeed took this freedom of saltwater fishing away, this freedom that Mainers have always enjoyed and we take it away forever, and it's taken by this Legislature. We're going to hear that this license is free and "not about the money" but make no mistake about it – it is a new tax and, although lower than originally proposed, will still bring in over \$1 million to the Department of Marine Resources, and in a very bad economic time.

This idea of taxing saltwater fishermen is not new. License proponents have been trying for decades to get at this potential revenue stream.

In the past, when going after saltwater fishing license revenue, we've heard proponents say "Think of all the good we can do with the license revenue." And, "It's time that saltwater fishermen pay their fair share." But only recently have we heard the new tactic, that "If we don't hurry up and do it, the feds will, and it's going to cost us more." Well that's not true.

We really don't even know what the federal registry is going to cost. The estimate from NOAA is between \$15-25. And that estimate is just that, an estimate. According to NOAA from words on their website, "the proposed rule included a conservatively high estimate of the annual fee."

NOAA further states, "a registry fee establishes an incentive for states to take action to be designated as exempted states." In other words, NOAA jacked up the estimated costs to coerce states into adopting saltwater licenses and give proponents of this very unpopular license political cover.

The proposed state license was originally \$15 for residents and \$30 for nonresidents but has been reduced several times to get buy-in and to make the new tax more palatable to lawmakers, especially now that we're in an election year.

Oddly, to be one of those exempted states, a state license has to be much broader – covering all fishermen – than the federal registry, which would only require certain specific fishermen to register. And, we should remember that there is no time limit, no rush to implement this new state license – we can do it next year or the year after – or never.

The most recent attempt to get to this recreational fishermen money was last year, where this body, I am proud to say, soundly defeated the saltwater bill, 96 to 45. Why was it voted down? For a number of reasons, but, according to one Rep, "I don't think at this time that implementing a saltwater fishing license like this, at any fee, is really the right time." He added, "It's economic to me, pure and simple. I think we should vote against the motion." And he said, "one of my strong reasons for supporting the red button on this motion is that I believe I would be lobster bait in my hometown if I voted for this." That was the Representative from Boothbay, Representative MacDonald. Well said, Representative.

He was right. This license is a new tax, about \$1.17 million according to the fiscal note, and at not a very good time for a new tax. And it is unlikely that these new relatively low fees could even begin to pay for the administration of the new DMR bureaucracy and the necessary enforcement, let alone all the promises that have been made to fishermen – both commercial and recreational, lobstermen, clambers, conservation groups, environmental groups and charter boat captains.

Yes, there will be a new revenue stream, but it is unlikely there will be enough to fulfill those promises. In fact, this revenue stream is actually replacing one that it is about to dry up – the Kennebec Hydro Dam Group agreement. According to the fiscal note, there won't even be any new positions added to the Department of Marine Resources.

Millions of that Kennebec Hydro money have been spent already by the Department of Marine Resources with little actual restoration to show for it. One has to ask: where did it all go? What exactly did it do? How successful was it? And do we need to keep funding these projects and all their accompanying expenses forever?

This state license is a new tax to fill a hole in a budget. Although this latest fiscal note from yesterday predicts slightly lower revenues, they are still estimating at over \$1.17 million a year to come in to the DMR. Proponents want to open up this

revenue stream badly and they want it now. Although there is no rush, no time limit, the push is on in a big way.

Proponents of the state license claim that Maine's Marine Patrol will have to enforce the registry taking precious, precious resources from commercial fishermen. That simply isn't true. Gordon Colvin of NOAA answered "no" when he was asked at the work session on LD 1432 if the feds could compel the Maine Marine Patrol to enforce the federal registry. Colonel Joe Fessenden of the Marine Patrol said that he would not enforce the federal registration requirement unless the feds provide sufficient funding for that purpose. The Maine Marine Patrol is just not going to drop everything and start checking every single fisherman they see – unless we enact this state license – and then we have an enforcement nightmare.

If commercial fisheries are so concerned about the lack of resources for enforcement in their industries, they should look not to recreational fishermen to bail them out. And by the way, recreational fishermen do not want, nor are they asking for any help or new programs or enforcement of them from state government in exchange for a license with a fee. And it is important to remember that it is not recreational fishermen who have depleted some of our fisheries. As one rep on our committee put it, "you don't see recreational fishermen unloading their boats with pitchforks."

The first ever license is a needless loss forever of a freedom that Maine people have always enjoyed. Saltwater fishing for Maine people is the essence of "life, liberty and the pursuit of happiness." We should not give it up easily. As one lobsterman, a board member of the Maine Lobsterman's Association told me recently, "the biggest reason I am against this license is the principal of the thing." He was talking about the tradition, family recreation, but it's also nutritious food. Has anyone noticed the price per pound of fresh native fish lately?

Another thing this bill represents is the State of Maine bowing down to Federal Government. And here's the funny part about this – the federal registry that some are so afraid of, is relatively benign and affects only some of Maine's saltwater anglers – specifically, those fishing in Maine waters for anadromous fish. NOAA is only after data on those anadromous fish and they're not interested in raising revenue. Why are some pretending to be so afraid of this? Well, because it gives a great excuse to raise \$1.17 million for the DMR.

There is nothing in the Magnusson-Stevens Act – the bill that creates the registry – that says any other saltwater fishermen are required by law to register. There is nothing in the text of the bill, the rules, or the notes, or on the NOAA website, yet the proponents of this license are claiming that indeed all saltwater fishermen must register and pay. That simply isn't true.

National Marine Fisheries Service cannot require all anglers in sovereign state waters to register. They know it and we know it. Forbes Darby, chair of the NOAA Fisheries Services, Communication and Education, and Chris Shchoppmeyer, a long-time and experienced Special Agent in the office for Law Enforcement at the National Marine Fisheries Service, who enforces federal law in Maine, and Attorney William Hewitt of North Yarmouth, and many others agree – not all saltwater fishermen need to register with the federal registry – only those who are in federal waters or who are fishing in state waters for 5 specific anadromous species. All fishermen would, however, have to register with the state if this proposed license goes into effect – and they would be subject to a \$100 fine if they don't register. I believe this federal registry is being used unfairly by proponents of a state saltwater fishing license.

The comparison to fresh water fishing is often made as justification for the license. The reality is there is no comparison

– aside from the difference in size and scope of the ocean and the fragility of the freshwater ecosystems, we don't stock marine fish and there are no commercial freshwater fisheries to pay the fees just to name a few differences.

Here is the bottom line – you have to agree with all three symbolic aspects of this bill in order to vote yes – you must agree that when the feds say "jump" we should ask, "how high?" You must agree that now is an okay time for a new tax– a tax that is predicted to bring in \$1.17 million a year to the DMR, and here is the toughest one – you must agree that taking this basic freedom away from the Maine people is ok. And, oh yes, if your district is anything like mine, you have to be willing to vote against the will of your people because they really don't like this bill. They don't want a new tax and they don't want this government intrusion into their freedoms. This would be a terrible legacy for the 124th Legislature.

Madam Speaker, nothing has changed since we voted this idea down overwhelmingly last year. I ask that we do the right thing and vote it down again. Thank you. A roll call, Madam Speaker.

Representative MCKANE of Newcastle **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 Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As I rise to speak against this motion, it occurs to me that I should probably disclose that I am an unlikely spokesman for saltwater angling or angling of any kind since I am probably the least successful angler of any kind in the State of Maine. But I am, in spite of that, deeply compelled to urge this body to defeat the measure before us and I ask those who are assembled here, who are ambivalent or are still undecided, to kindly indulge me and keep an open mind.

I am a member of the Marine Resources Committee and I did vote against this bill and the bill troubles me for many reasons. First, the practicality. We're basing our plans on assumptions that are unknown. We don't know how much the federal registry will cost because the Federal Government doesn't know how much the registry will cost. We don't know how many anglers there are, so we're basing our projected revenue on a completely unknown number of people that would be potentially paying into the system. We can certainly pass better legislation when we do know those things. We're making hopefully assumptions that this will raise new money without any kind of obvious taxation. The proposal that is before you pays for ostensibly, they hope, will pay for what the Federal Government would like us to do but also more. It fills vacant Marine Patrol positions during a time when we're being forced all through the state budget to constrain our spending and, to be sure, these positions are not being filled just to enforce this law. This is not such a hugely popular activity that three Marine Patrol officers are going to be doing nothing except making sure that somebody doesn't have an illegal striper in their boat. They're going to be checking during their normal and arguably more important duties of ensuring safety and lawfulness by our mariners. But the Federal Government has dangled some bait in front of us to raise some money, so why not just jump right into the boat? Trust me, this is all about the money.

The second thing that bothers me about this is I just don't really look at it as a gain in funding for the state. I look at it as a complete and utter loss. It's a loss of tradition and it's a loss of some of the simple pleasures that taxpayers in the state expect

and ought to have. Contriving a registry that is free of charge is not the same as preserving freedom.

The third thing, this bill is simply a capitulation to rules the Federal Government wants to impose inside our three miles of sovereign territory. This is just one in a long line of states' rights which have been eroded one by one, along with the rights of Maine people. We've all seen it. We've seen the last sardine cannery in the country close recently because of federal fisheries management decisions. We've seen the affect of unfunded federal mandates, over and over again, as they cripple our state and local institutions. We've seen the affects of federal regulations taking away our rights to manage our town and our own land and our own resources. Where is Maine's line in the sand? The legislation before you satisfies the Federal Government but, more importantly, it takes something away from Maine people. We're not all anglers, we're not all from coastal areas, but we're all from Maine and don't we know what it feels like to lose a right? Don't we know what it's like to have something and then find it stripped away? If the government is going to take away one more right, one of the last little sources of enjoyment ordinary Maine people have, I say let it be the Federal Government. The State of Maine should not take this bait. Thank you, Madam Speaker.

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

Representative **KRUGER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. If your luck runs out, you'll get to see some of my pictures and hear some of my stories of fishing. I've had some wonderful ones, but I won't share them with you today. If I wanted to catch a striper, \$5, \$15 would not slow me down. I'd be spending a lot more money on tackle and gear and boats and charters and all kinds of things, and if I came home with a striper, I'd be a happy person whether I'd gotten myself registered or not. I think you may be like that. More important is that I represent many lobstermen who live and work in my district and they are universally in favor of this. I am glad Representative Tilton mentioned the sardine canning factory because if we are concerned about that, if we're sad about the loss of the sardine factory, then what we can do is improve the management of river herring. That's what we can do. That's what this bill does. I just want to say the lobstermen in my district are overwhelmingly in favor of this program and keeping the money in Maine.

I'd also like to read a couple of sentences which came from Michael Conathan, who is a staffer on the U.S. Senate Commerce Committee, which our Senator Snowe serves upon, and I'd just like to read you a few sentences from an email dated yesterday. I sat down yesterday with Russell Dunn, the newly appointed national policy advisor for recreational fisheries. I asked him directly what the plans were for implementation of the national recreational fishing registry as of January 1, 2011. And in no uncertain terms, he stated that the registry would be implemented beginning on that date, that fees would be charged and enforcement actions would take place. He did not specify what means would be used but the intention is certainly there. I have absolutely no reason to believe from any of the conversations I've had with anyone at NOAA that they have any intention of soft pedaling this requirement. If Maine wants to wait so be it, but if they do, Mainers will be paying a federal fee in 2011.

Again, I will repeat what my lobstermen are telling me and that is let's keep the money in Maine. Thank you.

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



Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This body just passed a bill dealing with the quality of place for the great State of Maine. Wouldn't it be great if we could keep saltwater fishing free as it always has been, one of the wonderful things to add to the list of Maine's quality of place? Tourists come from near and far to fish in our waters, eat in our restaurants, stay in our hotels, our bed and breakfasts, what a great tourism draw. Free in ME. But sadly, with this vote, that may not be the case. The Marine Resources Committee cut travel time for Marine Patrol officers, yet we're adding 13 new positions to the department of DMR. We cut routine maintenance on the good Representative from Boothbay harbor's facilities, routine maintenance which, if not done, will end up costing us more in the long run. That's what we were down to for cuts in our department. And yet we're adding two brand new boats. I ask you, does this make sense? We have no idea what kind of revenue will come through this bill's passage. There are estimates based on a random survey with guesses of percentages that grow every year for those who register. What is the harm of waiting? Let the commercial fishermen who fish outside the three mile limit and those who fish specifically for anadromous fish sign up with the federal registry. Let's wait and see what happens out there on the water before we implement a statewide effort. I will go down with my ship for the principle of freedom and the quality of fishing in the great State of Maine. We don't need to be bullied by the Federal Government. I say let them try and watch how competent they are. I have to say I don't have a lot of confidence. Let's stand proud and vote against this brand new unnecessary legislation. Let's do the right thing for our constituents who do not want this fee that will surely increase from its current amount, I can guarantee you that. Let's not let that foot get put in that door. Freedom is priceless. Please follow my light and vote against LD 1432 and show your commonsense and show your leadership at a time when it's so desperately needed. Thank you, Madam Speaker.

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. A couple of points I'd like to make. First of all, the freedom that we've been talking about has already in essence been cut into by the action of the Congress in 2007, when they required a registry on our part. It's no longer going to be free. The only question is whether we do something or whether the feds do something. I think the examples that we have of what the feds do and what our state can do point in the direction of having us as a state take control of our fisheries. Let me give you a couple of examples that have not been pointed out.

Who controls and manages the lobster industry in our state waters? We do. Is it a successful fishery? Yes it is. Would you want to hand that over to the feds to manage? I doubt it sincerely. River run fish, alewives, herring, that the lobstermen depend upon and are part of the whole ecosystem, are run by our own river run fisheries management system. It is such a good system as a state system that it's been recommended to and adopted by the interstate commission that manages these fisheries. Maine has the only sustainable plan for managing these river run fisheries in the United States and the interstate commission, which manages these things, was about to shut it all down until they saw the Maine plan and they have now taken the Maine plan on and brought it to the rest of the states in the Atlantic States Fisheries Interstate Compact, and it is being used as the plan to rebuild fish docks in those states. These are two successful state plans. Do you know about any successful

federal plans? There may be some but the ground fishermen in this state will tell you how unsuccessful the feds have been at managing the fin fish fisheries in our waters. There is not a good example there. We have two good state examples and I believe this proposed registry for the state that would create an in-state effort to manage anadromous species in our waters would follow along in the good example that we have. So I urge you to consider that as you think about whether or not there should be a federal or a state mandate.

One other point I would make, Madam Speaker, is that every state now except Maine has taken advantage of the exemptions that are offered to the states under the federal law that was passed in 2007. Maine is the last state left standing without any state plan. If we were to say stand and wait, I believe that we were told by the federal officials who talked to us, their costs are fixed and if they're going to spread their costs across one state, Maine, I think that that's probably the cost that we've heard about, which were \$15 to \$25 per angler, are probably going to go up because they're going to spread those fixed costs across just the anglers in this one state. So I urge you to consider the success of our state plans for lobster and river run fish, how good those have been and to reject the idea that we should wait and let the feds see what they can do with our money when they take it, bring it to Washington and do what with it, I don't know. Representative Percy has read the bill into the record. I hope that you understand the nuances of it. As it stands now, we'll have a free registry for people who are not fishing for stripers, a \$5 registry for people who are in the state and a \$15 registry for people who are out of state. I believe it is a low-cost, simple way of managing this fishery within our state and it will be the third great example of a state run fishery that we can manage on ourselves and have great success with. Madam Speaker, I urge you and all members of this body to Accept the Majority Ought to Pass as Amended Report. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. This has been a long, long debate for many of us. It might be short here in this House and some of us, because we debate so often, might have forgotten some of the discussion that took place last year, but we've talked about this for a couple of years now. This Representative did not support moving into a plan with the Federal Government previously and I said I did want to know more facts before I was willing to do anything. Over time, I've changed my feelings a little bit about this and I've decided I don't really care what the Federal Government does or doesn't want us to do, I don't believe in bowing down to them, but I'd like to just point out a few things that have changed my reference point or my perspective on this.

We do care about our ponds and our lakes. We manage them, we enforce them, we look into fishing and we do things to make it better. Why? Because it provides a good opportunity for those of us in our great state to enjoy it and it does bring people from other places. Our Maine roads, an 18 wheeler does a lot more damage on our roads than my little Chevy Equinox. However, I'm more than willing to pay my fair share of the gas tax because I do use the roads and I do have an impact on it, although granted I believe much less so than those big commercial 18 wheelers. It doesn't excuse me from my obligation or my responsibility. As we talk about our resources, our rivers in the great State of Maine, in an effort to grow our great state and to do business in this state, we inadvertently did a lot of damage. Before we had the appropriate signs or maybe realized what we were doing, we did huge damage to many of

our rivers. We killed the fish. We made it so I'm pretty sure you wouldn't want to put your mouth or your head in a few of the rivers in this great state. And we have remedied that. Why? Because we recognized it was our obligation as a state to do that for ourselves, for our citizens and for the people that come to our great state. Yet why is it when we talk about our ocean sometimes we seem to think that it's a pot of gold, a bottomless one that we can extract whatever we want from it any time we want and that doesn't matter. And other times, we treat that amazing body of water like a toilet, we can just dump whatever we want into it as well. It's a body of water, Ladies and Gentlemen. It is yours and my responsibility and I don't care how big it is, our bays, our gulf is the responsibility of us. The relationship with those people who do this commercially, they're not trying to drive this down our throats. They're just recognizing that they pay their fair share. And a gentleman representing the Maine Lobstermen's Association, by the name of Gerry Cushman, looked at my committee and pointed at us and said, you know what, whether I like this or not, I would much rather, I don't know who NOAA is and as a fisherman in this state, as a citizen of the State of Maine, I want to be able to point to you and talk to you because I can. There is trust among our citizens. There's a lot of misconception, there have been half-truths from all over the place on the extremes on this. My attitude is that Maine should take care of Maine. These resources and their management are our responsibility. I'm not doing this as a money grab for the Department of Marine Resources or anybody else in this great state. I'm doing it because I want our children to be able to fish. And you talk about the freedom to fish, when I moved to Maine back in 1978, I remember talking to people who told me they used to go down into my bay and fish flounder all they wanted to and come home with a basket full of them. Well, that freedom to fish flounder has been gone for a long, long time because they don't exist out there anymore. We are responsible for this, Ladies and Gentlemen. I don't care what the Federal Government wants it to do. And the good Representative from Boothbay made a very important point. The herring fisheries would be shut down in the United States of America were it not for the policies of the State of Maine, and when the Atlantic Fisheries took a look at it, instead of shutting it down, as harmful as it may be, at least they implemented some policies that allowed some harvest of river herring. Ladies and Gentlemen, this has been a volatile issue for all of us. This is not going to kill us in fact say it's time for the State of Maine and our citizens to step up. We were concerned about sustenance fishermen; we've done something about that. I agreed with many people who said we should find the lowest fee we possibly could, we've done that. Ladies and Gentlemen, I seriously hope when you make this vote that you really look at the facts of what's before you and cast your vote accordingly. Let the State of Maine take care of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. To fish or not to fish, that is the question. Whether tis noble or on the shore to suffer the fees and costs of saltwater fishing or to take rods against a rising tide of enforcement and by opposing to end it, to kill, to pay no more, and by pay to say we end the registry for natural stocks. Their flesh is desirous. Tis for consumption devoutly to be wished, to cast, to reel, to reel per chance to hook. I, there is the rub, for in the set of the hook is where dreams come from. When we have shuffled off this sandy beach must give us pause. There is the respect. That makes catching for so long a fish. Who would bear the foams and froths of the tide?

The registry is wrong, the fish man's disgrace. The loss of one's wage, the law to pay. The insolence of DMR and the turns the department unworthily takes when fisherman and his vessel make with a bare creel. Who would his lures bear to grunt and sweat under a summer sun and from the dread of enforcement and find the moneys that enter into a general fund from which no money returns, disappearing from view so that we must deny commissioner added funding and increased department spending we know not of. Thus conscience does make lawbreakers of us all and thus the native fish of state waters, the striper with alewives, smelts and chads, and individuals who desire to wet a line and with this new law their pockets to empty. To lose the fisher, their sense of freedom, the spirit of liberty at risk, my friends, will simply be a memory. 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. A couple of points of clarification I would like to share with you. LD 1432 was not defeated last session and so, Representative McKane, that bill actually was passed and this is an amended version of that bill. It is ironic to me that Representative Prescott would speak in terms of quality of place considering that she spoke against the bill to create regional quality of place investment and also voted against it. This issue is simply about the state being in charge of fisheries. Currently in the Marine Patrol Department there are 52 positions. We have eight vacancies. And as Representative Tilton pointed out, this bill would fill two vacant seasonal positions in Marine Patrol and one vacant full-time Marine Patrol.

The reasons that the commercial fishing industries came out in strong support of this legislation, one of the biggest reasons was because of enforcement. Because if the Federal Government came forth and did their registry program, the Coast Guard and the Marine Patrol, because of the joint enforcement agreement that exists on our coast, would have to enforce the bill, and the commercial fishermen realized that this would be taking enforcement away from an already under staffed Marine Patrol. The groups that came out in support of LD 1432, as amended, were not only commercial fishermen. The Maine Lobsterman's Association, the Midcoast Fishermen's Association, the Alewife Harvesters of Maine, and Friends of the Maine Clammers Association, but also Coastal Conservation Association, the Maine Association of Charterboat Captains, and the Atlantic Salmon Federation, conservation groups like Maine Rivers, the Natural Resources Council of Maine, all of these groups came together and you would think that some of those are unlikely partnerships, but they came together because we're talking about resource management. And I would also make the note, Ladies and Gentlemen, that alewives are not only important bait fish but they are incredibly important forage fish for all species, saltwater and freshwater, trout, bass, both largemouth and smallmouth.

I would also like to share information with you, Ladies and Gentlemen, about what other states have done. Currently, New Hampshire is charging \$15 for an in-state, \$15 for an out-of-state. Massachusetts is charging \$10 for in-state and out-of-state. Rhode Island is charging \$7 for in-state and \$10 for out-of-state. Connecticut is charging \$30 for in-state and \$60 for out-of-state. New York is charging \$10 for in-state, \$15 for out-of-state. Delaware, \$8.50 for in-state, \$20 for out-of-state. Maryland, \$15 for in-state and \$15 for out-of-state. Virginia, \$12.50 for in-state, \$48 for out-of-state. North Carolina, \$15 for in-state, \$30 for out-of-state. South Carolina, \$10 for in-state, \$35 for out-of-state. Georgia, \$9 for in-state, \$45 for out-of-state. New Jersey is

currently passing a free registry, but what we've learned is that it's free in terms of nobody will have to, the anglers won't have to pay for it when they register. But the letter from the Department of Fisheries in New Jersey has given us an estimate of between \$500,000 and \$2 million to pay for this program in New Jersey. So we still don't know what's going to happen. The Chief Executive has not signed that bill.

I think, Ladies and Gentlemen, it's very important to remember that in the past the numbers that we have gathered, that the Federal Government has gathered in terms of who fishes for recreational saltwater fish, that information came to us through a program called MRFSS, Marine Recreational Fishing Statistical Survey, and it was a random phone bank. The organization would take phonebooks from coastal communities, all up and down the coast, and they would just open it up and pick a number and call that person and say "did you go saltwater fishing?", and if that person had never done it, what was the use of that phone call? That was an incredibly inefficient method and that is why Congress acted in the way that they did. So currently, this information will be used so that we know what the effort on saltwater recreational fishing is. Currently, there are many lawsuits down in Washington regarding effort on fish stocks. We have the data from the commercial fisheries. We do not have accurate data of the effort from the recreational fishermen. This amended version, the reason this is what it is, is because we were trying to take into consideration the number of people who have always been able to go and fish for free in the saltwater. We tried to take into consideration how it affected folks on inland waters as well as coastal waters. And Ladies and Gentlemen, it is incredibly distressing and frustrating to me because the conversations, the misinformation that has been shared regarding this legislation, do you know what it has been doing? It has been pitting rural communities on the coast against rural communities inland. It has been pitting commercial fishermen against recreational fishermen for no need, because we all have the same concerns about management of our resource and there is nothing wrong with saying we are going to put \$5 or \$15 into a dedicated fund to manage saltwater recreational fishing stocks. After the other body passed the amendment that they did last night, this morning, in the hall, the executive directors of the Sportsman's Alliance of Maine came up to me and said, "Are you okay with this amendment?" I said, "Yes, are you okay with it?" and Mr. Smith said, "Yes, we are okay with it." Every one here is trying to work and do the best thing that they can for the recreational fishermen in the state without it having an adverse impact, and the amended version of LD 1432 does exactly that, Ladies and Gentlemen. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes and inquires why he rises.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, I would like to request that you remind members of this body that it is against our orders of decorum and order for a member of this body to make references to the motives of another member.

On **POINT OF ORDER**, Representative SYKES of Harrison objected to the comments of Representative PERCY of Phippsburg because she was questioning the motives of other members of the House.

The SPEAKER: The Representative has made a Point of Order. The Chair would just remind members of the body that it is not proper to question the motives of another member of the body. However, it is appropriate during debate to clarify facts of bills.

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

is appropriate during debate to clarify facts of bills.

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

Representative **CELLI**: Yes, Madam Speaker. First of all, if we are going to compare this legislation with that of other states, then I will quickly try to pass legislation or insert legislation to repeal our income tax. Texas, New Hampshire, New Mexico, Oklahoma and about 15 other states don't have income tax, so maybe we should repeal ours. I try to break things down to their simplest form and the way I see this legislation is we are going to charge recreational fishermen a fee so that they will know which fish they can and can't catch and this is something they already know. Thank you.

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. First of all, I wanted to acknowledge and compliment the good Representative from Oxford's raising the plain of discussion. What I have to say, alas poor groundfish, I knew it well. To that end, I would point out that I'm also excited as I listen to the discussion that in a sense this is a business friendly bill and I'm, of course, one of these people that looks at their MERI rating a lot and am certainly hopeful that by voting for this measure will enhance that.

I represent a district where there are a number of fishermen and I see the objective and outcome, if we were to pass this bill, is to help that industry substantially. I think over the long-term, that would be a true outcome. And so it's important to me that we begin, even though this is not of our original choice to have such a thing handed to us, but again, it's an opportunity to if you have a lemon to make lemonade out of it, as people have told us, that's a good thing. I would certainly support this current motion and ask you all to do the same. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Obviously, this would greatly affect, not greatly affect but it would affect my community. Many of the tourists that come to Old Orchard Beach and many of the local people also like to go down to the shoreline and fish off the shore every single night. Hundreds if not thousands do this and it's always a sight to see. They're going to be upset when they have to get a license to do this, but it would be irresponsible for me, I believe, not to support this amendment. The fact that the Federal Government will create probably a higher fee is enough to say let's, for me to be responsible about this. And I think it had to be a very tough vote, I believe, for the committee members, all of these things being hashed through their minds. But for me, I know this will be used against me in my campaign as I run again, but it really doesn't matter what I have to do. I believe it's the right thing and I will be supporting this amendment. Thank you.

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

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just for the record, I believe everyone in this chamber cares about the quality of place in the great State of Maine, including myself. We wouldn't be here serving if we didn't. And to question this by my vote on a different bill with different merits is just plain absurd, and this approach saddens me. However, I just wanted to clarify the federal registry is only targeting two specific groups. The people that were just mentioned in the good Representative's district, that fish along the shore would not be in that group. It's those that fish outside the three mile limit, which are our

commercial fishermen, and those that are fishing specifically for anadromous species. Those are the only two groups that the federal registry wants to keep track of. So it's either that or we take the whole state and do a whole different set of requirements, which is what this bill is going to do to accomplish that. I say we let the feds do what they're going to do, see how it works and go from there. Thank you.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. No one is trampling on anybody's rights here. I would remind you that it wasn't so long ago when it was your right to go cast a worm in a local freshwater pond and catch brook trout. You could do it for sustenance, you could do it for fun, you could do it for breakfast. It was a right. Then we discovered that brook trout fisheries needed to be managed. We needed to hire people to do that. We needed to build hatcheries. We needed to develop management plans. We needed to hire a biologist. We needed to pay for that. So I can only imagine in this chamber, as I sat here listening to all these complaints about people trampling on our rights and the feds moving in on us and all of that, I wonder what the atmosphere was back when someone stood up and said and proposed for the first time a freshwater fishing license. Was he run out of town on a rail? I don't think so. I think he made a good argument, that this is a right to Mainers that deserves protection and the only way that we can protect it is to develop management around it. So today, while if this bill passes next year, you might pay \$5 for a striped bass fishing stamp so that your numbers can be properly recorded in Augusta and in Washington, but you are still going to pay, including the agent's fee, almost \$30 to fish in freshwater in the State of Maine, and you've been doing that for decades. You've been doing that longer than most, although the good Representative from Kittery, Representative Wheeler, is not here so I can't claim that the oldest person in this body could remember or not, but I doubt that he could remember back when you could fish freshwater for free, and I don't remember any recording of any major revolution or uprising when the state decided that we had to manage those fisheries and we had to pay for them. We considered that so important that we passed a constitutional amendment to protect that money and keep it within IFW and keep it directed for our fisheries management. This isn't about money at the state level, it isn't even about money at the federal level. The federal level, as it's been explained before, it's about numbers. They cannot manage the saltwater fishery when all the numbers they have are turned in by commercial fishermen. The commercial fishermen point at the recreational fishermen, say we need a limit on recreational striped bass harvest quota. The recreational fishermen say, we don't need that, we need a commercial quota. There's no way to reconcile the numbers. So in the reauthorization, the feds quite appropriately said we need a better way of counting numbers. The telephone survey that Representative Percy mentioned was not working, so instead they went to a national registry and here we are now. If Maine holds out, if Maine said, oh, this is a federal mandate being stuffed down our throats, we will be the only state on the Atlantic, or the ocean actually, to do so and it's foolish. It is just foolish. This is a very reasonable compromise, a number of compromises, over three years in the making that I'm aware of and it's down to this. If you want to fish for a striped bass, if you want to come fish for striped bass on my boat, you don't need to pay anything because I'm paying a license as a guide and as a Coast Guard captain, I'm taking care of that. You also don't need to report your fish because I'm going to do that for you. I always

have, all of us do. Every fish we catch or release; weight, size, length, course of the weather, run of the tide, all of that is recorded on charter boats. We already do that. That's the information the feds need. So if you really object, if you really feel this is a violation of your fundamental rights to pay that \$5 tag to go striped fishing, give me a call, I'd be happy to take you out for no license required. It might cost you a little something for lunch but no license required. I encourage you to Accept the Majority Ought to Pass and let's get on with a proper fisheries management. Thank you, Madam Speaker.

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. You've probably heard enough about this debate, but I have a lot of coastline in my district. I have a lot of fishermen, in state and out of state, so I feel I have a stake in this. Every time I consider an issue I too think of what the responsible thing to do is, and I've thought about this issue because we've heard it over and over again, and I hear over and over again from my constituents, stop placing unnecessary regulations on us, Maine citizens. I hear that as a common theme and I take that very seriously. This is not a matter of life and death. This is an unnecessary regulation that we're going to impose on our citizens. I urge you to consider that when you cast your vote and vote against this. Thank you.

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

Representative **McKANE**: Thank you, Madam Speaker. Just briefly in response to some of the other speakers. To the Representative from Bath, we don't manage the mackerel fishery and we don't stock saltwater fish. There's a big difference between saltwater fishing and freshwater fishing and why we started the freshwater license in the first place. To the Representative from Old Orchard Beach, under the federal registry, those fishermen, all those fishermen that have so much fun down on your pier will be able to go down there for free and they won't be affected in any way. Under the new state registry, every single one of them will have to go to the town office or online and get a ticket to fish. So, there's a big difference right there. They can fish for free, continue to fish for free if we don't do anything, but if we do something they won't be able to. For a tourist town like Old Orchard Beach, I would think long and hard about passing this.

In reference to the Sportsman's Alliance of Maine, I just talked to George Smith. He likes the current version of the bill a lot better than the original version of the bill, but he still doesn't like it. He's not in favor of it but he likes it better. And I do too. It's gotten better, but you can only dress this thing up so much and the big issue is still there, still taking away that loss of freedom.

To the Representative from Phippsburg, it was LD 1331, the saltwater fishing license that was defeated. This is a saltwater fishing license. LD 1432 is completely different now than it was a year ago. So it's the idea that we defeated last year, the idea of a saltwater fishing license. We defeated it overwhelmingly. The only thing that's changed since last year is that we realized that the Federal Government, what they're going to do is relatively benign. They just want data on five specific species, that's all they want. That's all they want. But what we're doing is creating a whole brand new bureaucracy.

Finally, on the cost estimates, the federal registry has a tuna registry for fishermen and there's about, I think there are 16,000 or so members in that. They pay about \$12 each. We could possibly have 10 times that number in the federal registry. So if you could see what that registry costs them at \$12, it should

probably be a lot less in the federal registry for recreational fishermen. Thank you very much, Madam Speaker.

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

Representative **PENDLETON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I wasn't going to speak on this issue, but I really am. Just one little thing. For the Representative, just to clarify for the Representative from Bath, I don't remember when we were able to freshwater fish for free, but I do remember, in 1988, when I sat down in that corner and we had this very same discussion that we're having today. The Magnusson-Stevens Act, if I could just remind people, it was first enacted in 1976 and then it was amended in 1996. So in 1988 and between that time, we did discuss having a saltwater fishing license because we knew this day was coming, but the Federal Government didn't have a gun to our head and so we didn't, after the same debate that we're having today, we decided not to pass that, and, regrettably, I'm sorry we didn't because, if we did, we wouldn't be standing here right now going through all this. But when the act was first enacted, most notably, the Magnusson-Stevens Act aided in the development of domestic fishing industry by phasing out foreign fishing, and that's an important thing for us to remember, what the act is all about. When President George W. Bush, through his ocean action plan, reauthorized the Magnusson-Stevens Act as a top priority, he called for a hard-line end of over fishing, the increased use of market based management tools and a creation of national saltwater angler registry, and that's what we're talking about today. We need data in order for us to be able to save the resource and go forward. So if I owe any apology to anyone, it probably is this body right now for not standing up and having the courage in 1998 to say, hey folks, we need a saltwater fishing license. But at least I have the opportunity 22 years later to stand up in front of all of you today and say we do need this and it's a good compromise and, although I voted against it right up until the very last minute, I say, now, let's do the right thing. Twenty-two years ago we goofed, let's not goof again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy. 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 **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Thank you for listening to all of this information that we've been sharing with you. The last pieces I would like to share with you, the Federal Government specified, NOAA specified, what we had to do to qualify to be exempted and that dictate said that we had to register saltwater anglers. That is why we have amended the bill so that anybody wanting to fish for mackerel, all they have to do is go and register. They don't have to pay for the registration, but they have to pay the mom-and-pop store or the town clerk where they go to put that data. We had to do it. That was part of their requirement.

The other piece is if the Federal Government came in and ran the program in our state, what they told us was all the other states who now have licenses, because they are in the federal system, would be able to come and fish for free in Maine. But Maine residents would have to pay between \$15 and \$25. The reason that they came up with that guesstimate of a cost is because they need to go through the first year of registration to find out how many people are actually going to register, and the thing that was most disturbing to the committee was the fact that the Federal Government would not differentiate between residents and nonresidents. That is why we did it.

Another point, Ladies and Gentlemen. As legislators we have all taken an oath to uphold the law and as you heard from Senator Snowe's staff member's letter, the Federal Government is going to begin charging in 2011 and they are going to begin enforcement. That is the law. And so as a Representative and as the chair of the Marine Resources Committee, it is my responsibility to obey the law. Thank you, Ladies and Gentlemen. I urge your support of the pending motion.

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. 317

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

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

**ABSENT** - Beck, Butterfield, Campbell, Cornell du Houx, Cushing, Dostie, McFadden, Peoples, Rosen, Webster, Wheeler, Willette.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "C" (S-464) was READ** by the Clerk.

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. In her closing comments as the debate closed on the previous motion, the good Representative from Phippsburg stated, reminded us that we've all taken an oath to uphold the law, and I thank her for those words and the law also includes the Constitution. And thanks to your guidance, Madam Speaker, and always helpful guidance of the Clerk, I had previously been prepared to offer a Point of Order. But it's my understanding and issues of constitutionality are issues that this body has to determine, and so I pose this argument to this body with all due respect to the process.

It's my argument, Madam Speaker, that this bill, in its present form, is unconstitutional pursuant to Article IV, Part Three, Section 9 of the Maine Constitution. That Constitution provision states in pertinent part that bills may originate in either House, but all bills for raising a revenue shall originate in the House. That's the constitutional law of the land. This bill raises revenue that is for sure significant, and it for sure originated with a Senate sponsor, not a Senate co-sponsor but a Senate sponsor, and the revenue that's before us as well originates from the other body. So it is with all due respect for the process, it is my argument that

**ROLL CALL NO. 318**

what is before us is unconstitutional and I urge you, this body, to defeat the pending motion.

The SPEAKER: The Chair would just state for the record that pursuant to *Mason's Manual of Legislative Procedure*, Section 578, paragraph 6, the limitations of presiding officers, as was stated by the Representative from Newport, it is not the right of the presiding officer to rule upon the constitutionality of bills, because that authority belongs to the house. So I would just remind members that the decision is being made by you, especially if there is a roll call requested on the upcoming Adoption of the Committee Amendment.

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

Representative **PIOTTI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to respond to the comments and question posed by the Representative from Newport, Representative Tardy. I am not a constitutional scholar. I am not even a lawyer, I'm glad of that fact. But I do have access to lawyers and on hearing of the Representative from Newport, Representative Tardy's concerns, I spoke with someone from the Attorney General's Office, and in making our opinion or our decision on this, which as the Speaker has said, that is what's before us, I am guided by that wisdom, and what I was told was the following. That the fees that would be imposed by this, which are then utilized for the purpose of supporting the fishing industry, that those fees and fees of that sort are interpreted not as revenues under this constitutional provision. That's what I've heard from the Attorney General. As long as they are dedicated fees for this purpose, that's how they are dealt with, and it makes sense to me and it works for me. Thank you.

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

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. If a lawyer can make an argument that a fee is not a revenue, that's a darn good lawyer. Madam Speaker, I request a roll call.

Representative TARDY of Newport **REQUESTED** a roll call on **ADOPTION of Senate Amendment "C" (S-479) to Committee Amendment "C" (S-464)**.

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

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

Representative **McKANE**: Madam Speaker, I have an amendment and I don't know if this is the proper time to give it or should we take this roll call?

The SPEAKER: The Chair would advise the Representative from Newcastle, Representative McKane, that Senate Amendment "C" and Committee Amendment "C" are in conflict with your amendment. So I believe that the pending Adoption of the Committee Amendment needs to be. The Chair is just conferring with the Clerk. Your amendment is in conflict with the Committee Amendment, with the Senate Amendment "C". So first we need to make a decision on Senate Amendment "C". If that is defeated, then your amendment would be properly before the body and not in conflict.

**Senate Amendment "C" (S-479) to Committee Amendment "C" (S-464) was READ** by the Clerk.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "C" (S-479) to Committee Amendment "C" (S-464). All those in favor will vote yes, those opposed will vote no.

YEA - Adams, Beaudette, Beaudoin, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cleary, Cohen, Connor, Crockett P, Dill, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Wright, Madam Speaker.

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

ABSENT - Beck, Butterfield, Campbell, Cornell du Houx, Dostie, McFadden, Peoples, Perry, Rosen, Russell, Webster, Wheeler, Willette.

Yes, 82; No, 56; Absent, 13; Excused, 0.

82 having voted in the affirmative and 56 voted in the negative, with 13 being absent, and accordingly **Senate Amendment "C" (S-479) to Committee Amendment "C" (S-464) was ADOPTED**.

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

Representative **McKANE**: Thank you, Madam Speaker. I have an amendment that's in conflict with the bill, so I guess I couldn't offer it I'm told unless we backup the bill that we just passed to be engrossed, which is unlikely, I think. But there might be a chance to do that, so I would like to at least explain what the bill is. Is that correct, what the amendment is, Madam Clerk? Can I do that?

The SPEAKER: The Chair would advise the Representative from Newcastle, Representative McKane, that you can offer your amendment. I would advise the member and I think the member is aware of this, it is in conflict with the Senate Amendment. So if your amendment is successful, you will then have to Indefinitely Postpone the Senate Amendment. But you are offering it with the understanding that they are in conflict, so the Representative may proceed.

Representative McKANE of Newcastle **PRESENTED House Amendment "A" (H-789) to Committee Amendment "C" (S-464)**, which was **READ** by the Clerk.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is basically what LD 1432 was originally. It is a free fishing registry, completely free. There is no money. As you'll notice on your desk, if you have this, the fiscal note has been removed. I don't like it but at least it keeps fishing completely free. There would be no fees to be paid whatsoever. It also removes the constitutional issue completely, and if you look that up in the Constitution, which I have done, it does say that any bill raising a revenue. And if you look at the bill that we just passed, it has a line on the fiscal note that says revenue. So that's revenue and it's coming from the other body, that is in conflict with the Constitution. This amendment would take care of that and it would also mean free fishing for good in the State of Maine. Thank you, Madam Speaker.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-789) to Committee Amendment "C" (S-464)**.

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

Representative PERCY of Phippsburg moved that **House Amendment "A" (H-789) to Committee Amendment "C" (S-464) be INDEFINITELY POSTPONED**.

Representative McKANE of Newcastle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-789) to Committee Amendment "C" (S-464)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-789) to Committee Amendment "C" (S-464). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 319**

**YEA** - Adams, Beaudette, Beaudoin, Beaulieu, Berry, Blodgett, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Clark H, Cohen, Connor, Crockett P, Dill, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wright, Madam Speaker.

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

**ABSENT** - Beck, Blanchard, Boland, Butterfield, Campbell, Cornell du Houx, Cushing, Dostie, McFadden, Peoples, Perry, Plummer, Rosen, Russell, Webster, Wheeler, Willette.

Yes, 77; No, 57; Absent, 17; Excused, 0.

77 having voted in the affirmative and 57 voted in the negative, with 17 being absent, and accordingly **House Amendment "A" (H-789) to Committee Amendment "C" (S-464) was INDEFINITELY POSTPONED**.

**Committee Amendment "C" (H-464) as Amended by Senate Amendment "C" (S-479) thereto was ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-464) as Amended by Senate Amendment "C" (S-479) thereto in concurrence**.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 668) (L.D. 1745) Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County" Committee on

**CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (S-461)**

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

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

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

**ENACTORS**

**Acts**

An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry

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

(C. "A" H-738; H. "B" H-779)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not going to delay this debate, we've been through it for three days. It took three tries to get this bill here. However, I would request permission to pose a question through the Chair.

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

Representative **WATSON**: Thank you, Madam Speaker. For anyone who can answer, how can we use a state tax law to punish an individual, corporation, or entity for legally applying for a federal program to use bonded labor? In order to grant, to get permission to do that, that corporation, individual, or entity must jump through certain hoops, must convince the Department of Labor, other authorities that American labor is not available. It's granted permission then to use bonded labor. My question is simply how can we, the State of Maine, use a state tax system to punish a corporation, entity, or individual who is otherwise legally participating in a federal program? 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. I think it's really a very simple answer and it is this. We're using tax policy to reward employers who hire Maine employees. It has nothing to do with the federal law.

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

Representative **WATSON**: Thank you, Madam Speaker. Just in response to my answer, I guess I'd like to pose another question through the Chair.

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

Representative **WATSON**: Thank you, Madam Speaker. My question is this: If in fact this act is only meant to encourage employment of American laborers, or woodcutters in particular, why doesn't the act say that? Why does the act instead impose a significant penalty under state law on a company who's operating

legally under federal law? 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. The title of the bill says "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry".

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 a money grab. It's a money grab for the communities up there, for one in particular that a Representative here seems to be from. This is a money grab and it's a job killer. They're going to kill jobs in the mills. You call Sappi Paper, you call any of the paper mills and they're going to tell you they're going to have to buy their fiber from the Great Lakes, it's going to drive the cost of fiber up, and it's going to put the mills out of business. If that's what you want to vote for, vote in favor.

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

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I haven't spoken on this bill before but it affects the industry that I've spent most of my life in. On the one hand we can look out for the landowners and we can look out for the jobs in central Maine, or we can look out for the contractors and we can look out for people who work in the woods. But no matter which way I vote, I'm going to have to hurt somebody, and the contractors are getting squeezed harder and harder every day. We've got people like the dairy farmers, the logging contractors that are working for prices of 15 years ago, and they can't. So I can understand why the Representative from Eagle Lake put the bill in, but are we going to put our mills in central Maine out of business to do this? Can't we find a better way to accomplish what we want to accomplish? I think we can. I think this is a terrible way, I think we're all in an awful position and no matter which way we vote, we're going to have to hurt someone. I'd like to stand up for those people that I've worked with all my life and I'd like to say yes to this bill, but do I put the mill workers out of business when they can't get wood enough to feed the mill? And that's where we're going to be. So, I guess, pick your poison. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

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

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

Representative **VALENTINO**: Thank you, Madam Speaker. I'm just following through with the good Representative from Bath's question on the content of the bill and the answer was that the title to the bill says something. Is a title to a bill actually put into statute? Are the titles put into statute?

The **SPEAKER**: The Representative from Saco, Representative Valentino has posed a question through the Chair to anyone who may care to respond. Seeing none.

The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hadn't spoken before on this bill but this particular program, what kind of a message are we sending with this kind of a bill? Businesses come here and in good faith enter into programs that have

specific guidelines for what they can do and what the restrictions are. We get them in these programs and to get out is very costly, it's a huge penalty. So there they are locked into this program and, when they're in there, we change the circumstances. We impress upon them another restriction that has nothing, nothing to do with the program they're in. This is so unfair for those who are in this program. I cannot believe that this kind of a bill can go forward, and I urge you not to vote for this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. A question I have procedurally is would a motion to Indefinitely Postpone be improper prior to completing this action?

The **SPEAKER**: A motion to Indefinitely Postpone this bill and all its accompanying papers?

Representative **COTTA**: Yes.

The **SPEAKER**: That motion would be properly before this body.

Representative COTTA of China moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 320

YEA - Austin, Beaudoin, Beaulieu, Bickford, Blanchard, Browne W, Burns, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Hayes, Johnson, Joy, Knapp, Knight, Langley, Lewin, McKane, McLeod, Millett, Nass, Nutting, Peterson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Watson, Weaver.

NAY - Adams, Ayotte, Beaudette, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Goode, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Percy, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Van Wie, Wagner J, Wagner R, Welsh, Wright, Madam Speaker.

ABSENT - Beck, Butterfield, Campbell, Cornell du Houx, Dostie, McFadden, Peoples, Perry, Rosen, Russell, Webster, Wheeler, Willette.

Yes, 61; No, 77; Absent, 13; Excused, 0.

61 having voted in the affirmative and 77 voted in the negative, with 13 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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. 321**

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

NAY - Austin, Beaudette, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Casavant, Cebra, Celli, Chase, Clark T, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Harvell, Hayes, Hill, Johnson, Joy, Knapp, Knight, Langley, Lewin, McCabe, McKane, McLeod, Millett, Nass, Nelson, Nutting, Peterson, Pieh, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Watson, Weaver.

ABSENT - Beck, Butterfield, Campbell, Cornell du Houx, Dostie, McFadden, Peoples, Perry, Rosen, Russell, Webster, Wheeler, Willette.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law" (EMERGENCY)

(S.P. 686) (L.D. 1782)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
CASAVANT of Biddeford  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-465)** on same Bill.

Signed:

Representatives:

RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

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

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Prevent the Spread of H1N1" (EMERGENCY)

(S.P. 630) (L.D. 1665)

Signed:

Senators:

JACKSON of Aroostook  
GERZOFKY of Cumberland  
MILLS of Somerset

Representatives:

CLARK of Millinocket  
THIBODEAU of Winterport  
HAMPER of Oxford  
TUTTLE of Sanford  
CUSHING of Hampden  
BICKFORD of Auburn  
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-470)** on same Bill.

Signed:

Representatives:

BLODGETT of Augusta  
BUTTERFIELD of Bangor  
GILBERT of Jay

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

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

On motion of Representative TUTTLE of Sanford, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Review Sales of Dairy Products

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716)** in the House on March 17, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY SENATE AMENDMENT "A" (S-468)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings"

(H.P. 1279) (L.D. 1791)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734)** in the House on March 18, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734) AS AMENDED BY SENATE AMENDMENT "A" (S-476)** thereto in **NON-CONCURRENCE**.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1088) (L.D. 1544) Bill "An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-787)**

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)

(S.P. 656) (L.D. 1723)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in the House on March 25, 2010.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-421)** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **ADHERE**.

**Non-Concurrent Matter**

Resolve, To Review and Update the Telecommunications Taxation Laws

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

**PASSED TO BE ENGROSSED** in the House on March 24, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-484)** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Acts**

An Act To Create a Saltwater Recreational Fishing Registry (S.P. 516) (L.D. 1432) (S. "C" S-479 to C. "C" S-464)

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

On motion of Representative McKANE of Newcastle, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 322**

YEA - Adams, Ayotte, Beaudette, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cleary, Cohen, Connor, Crockett P, Dill, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Percy, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Treat, Trinarward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Wright, Madam Speaker.

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

ABSENT - Beck, Butterfield, Campbell, Cornell du Houx, Dostie, McFadden, Peoples, Perry, Rosen, Russell, Webster, Wheeler, Willette.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Speaker inquired if there was objection to sending all matters having been acted upon **FORTHWITH**.

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

Representative **SYKES**: I object.

Representative SYKES of Harrison **OBJECTED** to sending all matters **FORTHWITH**.

The SPEAKER: The Representative has objected.

On motion of Representative FLEMINGS of Bar Harbor, the House adjourned at 1:37 p.m., until 9:00 a.m., Monday, March 29, 2010 in honor and lasting tribute to Llewellyn Winfield Cooper, M.D., of Bar Harbor and Stephanie Etnier Doane, of Bath.