

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 1, 2004 - March 30, 2005

First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
 FIRST SPECIAL SESSION
 13th Legislative Day
 Tuesday, May 10, 2005

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

Prayer by Reverend Jay Hodge, Wales Presbyterian Church.
 National Anthem by Bethany Siderio and Kim Austin, Wales.
 Pledge of Allegiance.
 The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget

(H.P. 762) (L.D. 1109)

Minority (5) **OUGHT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED** in the House on May 5, 2005.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Very quickly, we got a very strong bipartisan vote out of this body for this bill. This is the Education Efficiency Bill where we are going to encourage cooperation between school districts. We had bipartisan support on the sponsorship on the committee report and, out of this body, a very strong vote in favor of this bill. Our friends down at the other end of the hall are not as enlightened as this body is with regard to this bill and so I am hoping that we can defeat the pending motion and move along to a Committee of Conference so that we can work with our friends at the other end of the hall and come up with a better piece of legislation here. Thank you.

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

ROLL CALL NO. 115

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lundeen, Makas, Marley, Mazurek, McKane, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite,

Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Driscoll, Eder, Glynn, Greeley, Hanley S, Jennings, Kaelin, Lerman, Marraché, Ott, Percy, Richardson E, Stedman.

Yes, 72; No, 66; Absent, 13; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)

(H.P. 1140) (L.D. 1617)

REFERRED to the Committee on **TAXATION** in the House on May 3, 2005.

Came from the Senate **REFERRED** to the Committee on **TAXATION** and the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Encourage Cooperation between School Districts"

(H.P. 328) (L.D. 443)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-147) in the House on May 3, 2005.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 116

YEA - Adams, Ash, Babbidge, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Perry, Pilon, Pineau, Pingree, Piotti, Smith N, Smith W, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins,

Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jackson, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Paradis, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan, Woodbury.

ABSENT - Greeley, Hanley S, Jennings, Kaelin, Marraché, Ott, Percy, Richardson E, Stedman.

Yes, 59; No, 83; Absent, 9; Excused, 0.

59 having voted in the affirmative and 83 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative CUMMINGS of Portland, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 206)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 5, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 183 An Act Relating to the Definition of Indigenous Species

L.D. 403 An Act To Repeal the Minimum Penalty for Environmental Violations

L.D. 577 An Act To Amend the Law Governing Rate of Growth Ordinances

L.D. 658 An Act To Protect Maine's Natural Resources for Maine Residents

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Scott W. Cowger

Senate Chair

S/Rep. Theodore Koffman

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 207)

STATE OF MAINE

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

May 5, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 158 An Act To Validate Collective Bargaining Provisions That May Affect Education Policies

L.D. 1312 Resolve, To Institute a State Magnet School for Languages

L.D. 1451 Resolve, To Enforce Environmental Health Protection Measures in Public Schools

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 208)

STATE OF MAINE

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

May 5, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 638 An Act To Protect Public Safety and Help Offenders Return Safely to the Community

L.D. 1237 An Act To Amend the Sentencing Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Patricia A. Blanchette

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 209)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 5, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 781 Resolve, To Create Sebago Lake Village State Park

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. John M. Nutting
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 210)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 9, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 729 An Act To Clarify the City of Portland's Interest in the Maine State Pier

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 257)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

May 9, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:
In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Ann I. Weisleder of Bangor for appointment to the State Board of Education.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Christine A. Bruenn of Jefferson for appointment as the Commissioner of the Department of Professional and Financial Regulation.

Upon the recommendation of the Committee on Utilities and Energy, the nomination of Kurt W. Adams of Oakland for appointment to the Public Utilities Commission.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 258)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

May 9, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Edward J. Kane of South Portland for appointment to the Maine Educational Loan Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Anne Connors of Waterville for appointment to the Maine Educational Loan Authority.

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Establish a Cost-sharing Formula for the Five Town Community School District" (EMERGENCY)

(H.P. 1177) (L.D. 1668)

Sponsored by Representative MERRILL of Appleton.

Cosponsored by Senator WESTON of Waldo and Representative: BOWEN of Rockport, Senator: SAVAGE of Knox.

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

Committee on **EDUCATION AND CULTURAL AFFAIRS** 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.**

Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State (EMERGENCY)

(H.P. 1178) (L.D. 1669)

Sponsored by Representative BLANCHARD of Old Town.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: CAIN of Orono, CLARK of Millinocket, DUCHESNE of Hudson, EBERLE of South Portland, KOFFMAN of Bar Harbor, PARADIS of Frenchville, PINEAU of Jay, RICHARDSON of Carmel.

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.

REPORTS OF COMMITTEE

Refer to the Committee on State and Local Government Pursuant to Joint Order

Representative BARSTOW for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments"

(H.P. 1175) (L.D. 1666)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order 2005, H.P. 1113.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

Representative BARSTOW for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments" (EMERGENCY)

(H.P. 1176) (L.D. 1667)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order 2005, H.P. 1135.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-281) on Bill "An Act To Expand the Maine Economic Improvement Fund"

(H.P. 38) (L.D. 42)

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-264) on Bill "An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age"

(H.P. 234) (L.D. 310)

Signed:

Senators:

DIAMOND of Cumberland
NUTTING of Androscoggin

Representatives:

BLANCHETTE of Bangor
CHURCHILL of Washburn
GERZOFKY of Brunswick
GROSE of Woolwich
DAVIS of Augusta
PARADIS of Frenchville

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

Signed:

Senator:

CLUKEY of Aroostook

Representatives:

PLUMMER of Windham
HANLEY of Gardiner
SYKES of Harrison
GREELEY of Levant

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-263) on Bill "An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set"

(H.P. 873) (L.D. 1276)

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden

DUPREY of Hampden

HAMPER of Oxford

READ.

On motion of Representative SMITH of Van Buren, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Protect Fishing Families"

(H.P. 790) (L.D. 1147)

Signed:

Senators:

DAMON of Hancock

SULLIVAN of York

ANDREWS of York

Representatives:

EMERY of Cutler

PERCY of Phippsburg

EDER of Portland

ADAMS of Portland

SEAVEY of Kennebunkport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-275) on same Bill.

Signed:

Representatives:

FLETCHER of Winslow

KAELIN of Winterport

DUGAY of Cherryfield

CRESSEY of Cornish

ASH of Belfast

READ.

Representative ADAMS of Portland 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 CUMMINGS of Portland, **TABLED** pending the motion of Representative ADAMS of Portland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Improve the Business Climate in Maine"

(H.P. 837) (L.D. 1219)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

Representatives:

EBERLE of South Portland

KOFFMAN of Bar Harbor

DUCHESNE of Hudson

TWOMEY of Biddeford

THOMPSON of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-276) on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal

ANNIS of Dover-Foxcroft

DAIGLE of Arundel

SAVIELLO of Wilton

ROSEN of Bucksport

READ.

Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More

(H.P. 52) (L.D. 56)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth

HANLEY of Paris

CLARK of Millinocket

McCORMICK of West Gardiner

PINEAU of Jay

HUTTON of Bowdoinham

SEAVEY of Kennebunkport

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-297) on same RESOLUTION.

Signed:

Senator:

COURTNEY of York

Representatives:

CLOUGH of Scarborough

BIERMAN of Sorrento

READ.

On motion of Representative WOODBURY of Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED**. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Connect the BETR Program with Job Retention"

(H.P. 755) (L.D. 1102)

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
SEAVEY of Kennebunkport
WATSON of Bath
BIERMAN of Sorrento

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
PINEAU of Jay
HUTTON of Bowdoinham

READ.

Representative **WOODBURY** of Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Alleviate Overcrowding in Public Schools"

(H.P. 763) (L.D. 1110)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath
HUTTON of Bowdoinham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)** on same Bill.

Signed:

Senator:

COURTNEY of York

READ.

Representative **WOODBURY** of Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Durham, Representative **Vaughan**.

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak to the Minority Report. This bill is quite simple in concept and it basically allows residents of high growth areas to place their children in another school, either public or private, at their own expense.

I would like to explain a little bit about what this bill would do. It would allow parents to place their children in another school at their own expense and as a result be given a tax credit. The tax credit should be available only to those who owe taxes and municipalities should be able to determine their own standards regarding that policy. This concept would allow citizens who make education a priority to pay their fair share rather than being forced to pay for education twice as they do under the current policy. It is an article of faith among school teachers that smaller classes lead to better educated students and not only can teachers provide more personal attention, but students are more inclined to speak up before a smaller audience.

According to Maine school guidelines, the optimal class size is twenty children or fewer, but many classes hold 23 or more kids. If the local school is overcrowded, the parent can send them to a school of another choice – private, public or parochial. Of course, this would be at their own expense. Upon proof of expenditure for tuition they would be able to receive an education tax credit. This is not a tuition voucher program. A tax credit is a much different story. This basically proposes a return or crediting of a portion of the property tax bill that is typically utilized for education.

I have heard of many discussions in which it is stated that 85% or more of the average property tax revenue stream flows into our public schools. Under the current structure you have to pay for education twice if you decide to opt-out of a local public school system. Once on your property taxes and again when you write out tuition checks. In my view that is not fair tax treatment for parents who only want the best for their kids. Thank you Mr. Speaker, and I urge all of you to vote against this report and I further ask for a roll call.

The same Representative **R REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 117

YEA - Adams, Annis, Ash, Babbidge, Barstow, Berube, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Edgcomb, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Bishop, Bryant-Deschenes, Cebra, Cressey, Crosthwaite, Curtis, Daigle, Duprey, Emery, Fitts, Fletcher, Joy, Lansley, Lindell, McFadden, McKane, McKenney, Moulton, Pinkham, Richardson M, Richardson W, Robinson, Sherman, Shields, Thomas, Vaughan.

ABSENT - Beaudette, Dugay, Greeley, Hanley S, Jennings, Kaelin, Muse, Ott, Pilon, Richardson E, Seavey, Stedman, Twomey, Valentino.

Yes, 110; No, 27; Absent, 14; Excused, 0.

110 having voted in the affirmative and 27 voted in the negative, with 14 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED**. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)** on Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"

(H.P. 862) (L.D. 1244)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representatives:

McCORMICK of West Gardiner
BIERMAN of Sorrento

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Sorrento, Representative Bierman.

Representative **BIERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Currently, the towns only provide this information if it's requested. The Freedom of Information Act gives this option. Some of us on the committee felt that when you give a deadline like this than what happens when you go one day over the deadline? What are the negative legal implications? So, I think that this bill is really not necessary and I think given the current state of affairs of all that we have to do, I would hope that we not support the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, as amended by House Amendment 302, has taken out any deadline and the way the bill reads now an assessor, the municipal officer or any other municipal official with custodial authority over the assessing record, shall make the entire assessing record - related to any taxable property within the municipality - available to the owner of that property upon request in a timely manner. Thank you and I would appreciate 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. 118

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Churchill, Clark, Clough, Craven, Crosby, Cummings, Curley, Daigle, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley B, Harlow, Hogan, Hotham, Hutton, Jackson, Jodrey, Koffman, Lerman, Lewin, Lundeen, Makas, Marley, Marraché, Mazurek, McKane, McKenney, Merrill, Miller, Mills, Moody, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Plummer, Rector, Richardson M, Richardson W, Rines, Sampson, Saviello, Schatz, Shields, Smith N, Smith W, Thompson, Trahan, Tuttle, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Collins, Cressey, Crosthwaite, Curtis, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Jacobsen, Joy, Lansley, Lindell, Marean, McCormick, McFadden, McLeod, Millett, Moore G, Moulton, Nutting, Pinkham, Richardson D, Robinson, Rosen, Sherman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Beaudette, Hanley S, Jennings, Kaelin, Muse, Ott, Pilon, Richardson E, Seavey, Stedman, Twomey, Valentino.

Yes, 92; No, 47; Absent, 12; Excused, 0.

92 having voted in the affirmative and 47 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 "A" (H-302)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 1005.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-291)** on Bill "An Act To Amend the Laws Relating to Changeable Signs"

(H.P. 373) (L.D. 498)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
PARADIS of Frenchville
SAMPSON of Auburn
MAZUREK of Rockland
McKENNEY of Cumberland

THOMAS of Ripley
 Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
 Signed:
 Representative:
 COLLINS of Wells

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-291)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 1005.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Promote Responsible Advertising by Public Utilities"

(H.P. 826) (L.D. 1198)

Signed:

Senator:

WESTON of Waldo

Representatives:

FITTS of Pittsfield

CURTIS of Madison

FLETCHER of Winslow

RICHARDSON of Skowhegan

RINES of Wiscasset

McLEOD of Lee

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)** on same Bill.

Signed:

Senators:

BARTLETT of Cumberland

COWGER of Kennebec

Representatives:

BLISS of South Portland

BABBIDGE of Kennebunk

BRAUTIGAM of Falmouth

ADAMS of Portland

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-298)** on Bill "An Act To Stimulate Economic Development in Maine's Aviation Industry"

(H.P. 727) (L.D. 1074)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket

WOODBURY of Yarmouth

PINEAU of Jay

WATSON of Bath

Six Members of the same Committee report in Report "B"

Ought to Pass as Amended by Committee Amendment "B" (H-299) on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

HUTTON of Bowdoinham

READ.

On motion of Representative WOODBURY of Yarmouth, Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-299)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 1005.

CONSENT CALENDAR

First Day

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

(H.P. 347) (L.D. 472) Bill "An Act To Amend the Statewide Building Code" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-295)**

(H.P. 481) (L.D. 661) Bill "An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 118) (L.D. 371) Bill "An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties" (C. "A" S-110)

(S.P. 257) (L.D. 790) Bill "An Act To Reestablish a Maximum Water Level for Phillips Lake" (C. "A" S-117)

(S.P. 398) (L.D. 1170) Bill "An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters" (C. "A" S-113)

(S.P. 458) (L.D. 1331) Bill "An Act To Set a Deadline for Responses to State Employees Seeking Job Reclassifications or Range Changes" (C. "A" S-118)

(H.P. 83) (L.D. 107) Bill "An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs"

(H.P. 271) (L.D. 358) Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmity to Applicants' Residential Property"

(H.P. 667) (L.D. 957) Bill "An Act To Limit Faxes from Telemarketers"

(H.P. 715) (L.D. 1030) Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System"

(H.P. 843) (L.D. 1225) Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing"

(H.P. 968) (L.D. 1391) Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

(H.P. 1098) (L.D. 1560) Bill "An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources"

(H.P. 410) (L.D. 555) Bill "An Act To Enhance Driver Education and Safety" (EMERGENCY) (C. "A" H-289)

(H.P. 456) (L.D. 623) Bill "An Act To Ensure Participation by Voters with Disabilities in the Electoral Process" (C. "A" H-283)

(H.P. 490) (L.D. 670) Bill "An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers" (C. "A" H-258)

(H.P. 593) (L.D. 834) Bill "An Act To Prevent Camcorder Piracy" (C. "A" H-259)

(H.P. 671) (L.D. 961) Bill "An Act To Establish the Agricultural Water Management Fund" (C. "A" H-284)

(H.P. 714) (L.D. 1029) Bill "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries" (C. "A" H-265)

(H.P. 730) (L.D. 1077) Bill "An Act To Allow Accent Lighting on Motor Vehicles" (C. "A" H-290)

(H.P. 775) (L.D. 1122) Resolve, To Establish the Wabanaki Trail (C. "A" H-262)

(H.P. 828) (L.D. 1200) Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures" (C. "A" H-292)

(H.P. 838) (L.D. 1220) Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles" (C. "A" H-288)

(H.P. 897) (L.D. 1300) Bill "An Act To Create the ATV Trail Advisory Council" (EMERGENCY) (C. "A" H-287)

(H.P. 931) (L.D. 1348) Bill "An Act To Increase Funding for Meals on Wheels Program" (C. "A" H-279)

(H.P. 938) (L.D. 1355) Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks" (C. "A" H-285)

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

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

BILLS IN THE SECOND READING

Senate

Bill "An Act Regarding the Unused Pharmaceutical Disposal Program" (EMERGENCY)

(S.P. 609) (L.D. 1644)

Senate as Amended

Bill "An Act To Promote Energy Conservation and a Cleaner Environment"

(S.P. 95) (L.D. 275)

(C. "A" S-101)

Bill "An Act To Continue the Ban on Dragging in the Taunton River Area" (EMERGENCY)

(S.P. 185) (L.D. 576)

(S. "A" S-109 to C. "A" S-94)

Bill "An Act To Sustain Maine Schools and Libraries"

(S.P. 439) (L.D. 1259)

(C. "A" S-116)

House

Bill "An Act To Clarify State Auditor Qualifications"

(H.P. 512) (L.D. 717)

Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

(H.P. 685) (L.D. 975)

Bill "An Act To Increase County Filing Fees"

(H.P. 745) (L.D. 1092)

House as Amended

Bill "An Act To Promote Sound Science in Climate Change Policy"

(H.P. 68) (L.D. 72)

(C. "A" H-274)

Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

(H.P. 218) (L.D. 293)

(C. "A" H-243)

Bill "An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute"

(H.P. 455) (L.D. 622)

(C. "A" H-230)

Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax"

(H.P. 682) (L.D. 972)

(C. "A" H-191)

Bill "An Act To Set Emission Limits for Certain Architectural Coatings"

(H.P. 753) (L.D. 1100)

(H. "A" H-270 to C. "B" H-169)

Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

(H.P. 955) (L.D. 1369)

(H. "A" H-286 to C. "A" H-260)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

Resolve, Requiring the Secretary of State To Develop Voting Systems Standards

(H.P. 76) (L.D. 100)

(H. "A" H-170 to C. "A" H-129)

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Study the Management and Fee Structure of Scarborough Beach State Park

(H.P. 568) (L.D. 803)
(C. "A" H-167)

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Establish Moxie as Maine's Official Soft Drink

(S.P. 27) (L.D. 85)
(C. "A" S-89)

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

(S.P. 81) (L.D. 228)

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

Resolves

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Ethical Standards Regarding Former Legislators

(H.P. 422) (L.D. 589)
(C. "A" H-134)

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

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

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.

JOINT RESOLUTION RECOGNIZING MAY AS "MAINE IS WORKING" MONTH

(S.P. 599)

- In Senate, **READ** and **ADOPTED**.

TABLED - May 9, 2005 (Till Later Today) by Representative THOMAS of Ripley.

PENDING - ADOPTION.

Representative SMITH of Monmouth **PRESENTED** House Amendment "B" (H-306), which was **READ** by the Clerk.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I did not speak to the Joint Resolution when it appeared on the calendar yesterday, so it seems appropriate to speak briefly at this time.

A Joint Resolution is not a policy statement and has no enacting authority. Instead, it allows us to pause for a moment and draw attention to an issue. With this amendment, I want to focus on the phrase "will continue to accentuate the successes," as we will in May as 'Maine is Working Month'.

Bad news finds its way into the media on its own. This is true of economic issues as well as any other. Irving Tanning is struggling; International Paper recently laid off 100 people and shut down a machine. Bath Iron Works is at risk. I think on Friday about Brunswick Naval Air Station and the Kittery Naval Shipyard. These are all big issues and they are in the news almost daily. The good news is happening too, quietly throughout the state.

In my town there are two good pieces of news. There is JackTraps, for those of you who ice fish. JackTraps are some of the best handmade ice fishing traps. He has been working in his basement for the last couple of years and is ready to expand because business is so good. Another success story is the Kelly Farm and Greenhouse located in what is almost downtown Monmouth. Just this month they opened a three season retail shop and this year they will be adding one greenhouse and replacing another. This is a substantial expansion for a small business. In addition they will be buying, for resale, products from other farms in Maine, keeping as much of their inventory Maine made as is possible. This is going to add to the growth of perhaps an additional dozen Maine small businesses.

These are two successes just in my town. They won't come to our attention or to the communities attention without a deliberate action to focus the spotlight on them and that is the purpose of proclaiming May as Maine is Working Month, to accentuate the successes as we continue to work through all of the challenges. Thank you very much.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to thank the good Representative from Monmouth for bringing this Joint Resolution forward.

This House and this Legislature certainly appreciates all the hard work and effort that are put forward by all the small businesses of Maine who are indeed the backbone of the Maine economy. As we are recognizing them, I hope that we will remain mindful during our further deliberations for the rest of this session about two of the most difficult issues that Maine small businesses face, those being the cost of workers compensation and the cost of unemployment insurance. So, as we deliberate further and work towards improving the economy for Maine's small businesses, we need to be mindful of the fact that those two items have a major impact upon our small businesses and we need to do nothing that will make the economy more difficult for those businesses to thrive and survive. Thank you.

Subsequently, **House Amendment "B" (H-306)** was **ADOPTED**.

The **Joint Resolution** was **ADOPTED** as Amended by **House Amendment "B" (H-306)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow Insurers To Limit Their Uninsured Motorist Coverage to Persons Listed on the Policy"

(H.P. 98) (L.D. 122)

TABLED - May 5, 2005 (Till Later Today) by Representative PERRY of Calais.

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

Subsequently, on motion of Representative PERRY of Calais, the Bill and all accompanying papers were **COMMITTED** to the

Committee on **INSURANCE AND FINANCIAL SERVICES** and sent for concurrence.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This past weekend marked the 60th anniversary of the end of the war in Europe, what is known as V.E. Day.

There are two pieces of paper on your desk that I would like to draw your attention to as we briefly remember that occasion. That would be the yellow sheet of paper distributed by our great friend, Representative Wheeler and the thick House Calendars that accumulate upon our desks in the past weeks with the names of young returning from the war in Iraq and those of course who shall never return. Beside it lies that yellow sheet of paper upon which it is difficult to fit a more telling symbol of the cost of the war concluded 60 years ago than that list of dates and names that symbolize the terrible toll of the conflict fought two generations ago.

Those names on the list will forever be read across the pages of our history like stains on the twentieth century, Bergen-Belson, Buchenwald, Auschwitz. It is difficult for us to remember what it must have been like to live in the middle of such moment. The names and voices that decided the face of democracy then, to you and I are like an old newsreel. Churchill on the wireless hurling defiance into the darkness; Roosevelt on the radio, radiating confidence in a tenor town from the New World to the Old World. Edward Morrow broadcasting among the bombs falling on London as one by one the lights of the ancient capitals of the Old World went out.

To us today it seems inevitable, like an old newsreel – far removed and hardly real – because we know how it all came out. Those who fought it day-to-day and ocean-to-ocean enjoyed no such confidence. Every day there are fewer among us who can remember what those days were like. The Veterans Administration tells us that in the year 2000 there were about 500-700 American World War II vets who passed away every day. In the year 2005 that figure is now between 1000-1500 World War II vets who pass on every day. Within the next five years the mortality tables tell us that between 70%-85% of that generation will have answered the final call.

As the numbers dwindle and as the memories fade there will come a day that will be within the lifetime of all of us in this chamber. A day we will live to see that the last of the last will approach the gates and their voices will cease and World War II and all it symbolizes will pass from memory into history and then only the books will talk, but not yet.

Our former colleague, Representative Gene Churchill, a friend to all, and our current colleague Representative Walter Wheeler, who has a smile for all, may well be the very last World War two veterans who will ever serve in this chamber. One Republican, one Democrat, together they will symbolize all their generation. The last of their fellow veterans brought here by the ballot box, they fought so hard, and risked so much to persevere so long ago.

Representative Wheeler served in almost all of the theatres of the Second World War. He may very well be the last person who shall ever sit and can tell us first hand about certain things. The last who ever saw, and heard himself, the thundering flash of the ships guns across the dark pacific. The last who saw that thin dark line of beach at Normandy through the breaking surf so long ago. After him no one can say they were there, that they

remember. As we each leave this hall today, off to our own seemingly important tasks I hope we will stop and shake him by the hand, this day especially, in memory of all of those other days.

I hope also, that we will each find a veteran of World War II this weekend and shake their hand and listen to their story so that in the autumn of our years we might say, yes I knew such a person once, I heard their story, I looked into their eyes, I remember. Mr. Speaker, I hope that Representative Wheeler will place a few comments on the record today to remember this day by for those who will follow us and read those pages. Mr. Speaker, I ask that when the House adjourn today we do so in memory of those Mainers who made the supreme sacrifice in the Second World War, but that we do so not just with the words we always proceed with ceremoniously, but that we all stand for a moment of silent reflection for the sons and daughters of the Pine Tree State who's service and sacrifice so long ago made today possible.

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

Representative **WHEELER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I remember that day well. I was in New York City because my homeport was New York and I was at the Armed Guard Center and it was quite a celebration. Times Square you couldn't even move around in, and all the girls were up kissing the sailors and soldiers and I was only twenty years old then and I enjoyed it very much.

The confetti was coming down all over the place and then we went out and we celebrated that night and the next morning I didn't feel too good. We had a few, but it was very exciting and I will never forget it. Thank you very much.

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended - Minority (5) Ought Not to Pass - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Expand the Maine Economic Improvement Fund"

(H.P. 38) (L.D. 42)

Which was **TABLED** by Representative BRANNIGAN of Portland pending **ACCEPTANCE** of the **Majority Ought to Pass as Amended Report**.

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Very briefly, a majority of us on the Appropriations Committee felt that the committee report which cuts in half the proposed appropriation for this bill was the right way to go, but that funding for this program was certainly warranted even at a lower level. It is about economic development through the university system and a majority of us felt it was worth doing. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Portland is correct in that the amended version of this bill does increase the funding to the Maine Economic Improvement Fund by \$1 million per year, which is less than what was requested. We as Republicans were divided on this not because we are opposed to the concept, but because we realized that funding for the Appropriations table will be severely limited and because this program has experienced a dramatic growth in funding already. In the current biennium, for example, the amount of funding to the Maine Economic Improvement fund increased from \$10.1 million in the '04 fiscal year to \$12.1 million in the current year and would, under this amendment, receive another million dollars to \$13.1 in each year of the next biennium.

Realistically this would be a very tough sell from the Appropriations table which, at this point in time, has only \$800,000 available in its total funding capacity. I wish to request a roll call on the vote and just express the reasons for Republican opposition, which is not to the program but to the unrealistic expectation that it creates.

The same Representative REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted - since this was a bill that I presented on behalf of the university - to touch briefly on what it does and kind of bring us back to what we spoke about yesterday, about cutting things across the board. This would be something that I would argue is something where we are simply supporting success and successful programs. The Maine Economic Improvement Fund was begun in 1997 to help increase federal and private investment in university-based research and it focuses on seven key areas. They touch all parts of the State of Maine and the 118th Legislature when they did this actually started at \$10 million and they anticipated that it would grow to \$20 million by the year 2004, which obviously it has not, and that it would bring in \$100 million in matching funds into the State of Maine.

When I say that we are simply supporting success, the numbers don't lie. With \$10.5 million, it brought in \$42.8 million in external grants and contracts, a 4:1 return on investment. It created 857 fulltime equivalent positions here in the State of Maine. That is success and I would simply ask you, as you think about which way you will vote, to talk about when we are in this House to support success and successful programs and to possibly not support ones that are not so successful and this is one that we can clearly demonstrate is a success. Thank you Mr. Speaker.

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.

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

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

ROLL CALL NO. 119

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brautigam, Bryant, Burns, Cain, Canavan,

Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Bierman, Bliss, Brannigan, Dugay, Emery, Hanley S, Jennings, Kaelin, Muse, O'Brien, Pineau, Stedman.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-281) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Wednesday, May 11, 1005.

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

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended - Minority (5) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age"

(H.P. 234) (L.D. 310)

Which was TABLED by Representative BLANCHETTE of Bangor pending ACCEPTANCE of Majority Ought to Pass as Amended Report.

Subsequently, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-264) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Wednesday, May 11, 1005.

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

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended - Committee on TAXATION on Bill "An Act To Connect the BETR Program with Job Retention"

(H.P. 755) (L.D. 1102)

Which was TABLED by Representative WOODBURY of Yarmouth pending Ought Not to Pass.

Subsequently, on motion of Representative CLARK of Millinocket, the Bill and all accompanying papers were

COMMITTED to the Committee on **TAXATION** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended - Committee on UTILITIES AND ENERGY on Bill "An Act To Promote Responsible Advertising by Public Utilities"

(H.P. 826) (L.D. 1198)

Which was **TABLED** by Representative **BLISS** of South Portland pending **ACCEPTANCE** of the **Minority Ought to Pass as Amended Report**.

Subsequently, the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-296)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 2005.

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

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-261) - Minority (1) Ought Not to Pass - Committee on TRANSPORTATION on Bill "An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Houlton to New Limerick and from the Canadian Border at Calais to Baileyville"

(H.P. 257) (L.D. 334)

TABLED - May 9, 2005 (Till Later Today) by Representative **MARLEY** of Portland.

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

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is a bill where - I apologize, I may be a little convoluted in my discussions - I was part of the 12-1 Majority Report, which I moved. In hindsight, I probably should have tabled pending acceptance of either report because I have had some real concerns with this since we voted on this bill. I think other members of the committee will discuss their concerns around this issue so while I move the Majority Ought to Pass Report out of respect to my committee, I will be voting against the motion and I would like to explain why.

This bill came forward from the good Representative, Representative **Joy** who is trying to address needs in his community, in his area, and we amended it so the new title will be "An Act Allowing Certain Commercial Vehicles at Canadian Weights Limit to Travel From the Canadian Border to Calais to Baileyville".

The idea was that there is a **DomTar** plant there - a paper mill plant - and that they were running low on the wood products that they needed to keep the plant going. It wasn't just a matter of days that they didn't have material it was literally hours as it was explained to us.

There is another mill, the **LP** I believe it is referred to as, and they had actually closed down at that point because they weren't

able to get the resources they needed into this mill and so from a jobs perspective I think you can have legislator who will talk about that, that you need these resources to keep the mills open and to keep the jobs there. That was the reason we voted for this.

The other piece is that at the Transportation Committee we are always looking at truck weights. The idea in this pilot - we are looking at doing this for five years - was to determine how additional weights would tear up the roadways and we were hoping that would give us some information that we could take to the federal government when we try to get those levels raised on the interstate north of Augusta. That is a secondary issue, but that is really where I came from with this as far as looking at the jobs fees and looking at how the roads would be eaten up. That's why I supported the motions before you.

Since that point it has come to our attention that the **LP** plant is going to be closed and permanently closed. Those jobs, I believe, are lost and the good Representative from that area may speak otherwise but it is my understanding that those are going for good. Additionally we started hearing from Maine loggers and truckers that say this is really going to put them at a competitive disadvantage. Looking at the transportation issues at the time, I will be honest, I got focused on that piece as a pilot and didn't understand the implications of how it could put our Maine truckers at an inequity, competing with the Canadian truckers and so for that reason I am going to vote red on the pending motion and I will not accept the Ought to Pass motion and I will hope that you follow my light and I apologize for any confusions that may have been caused, but I think this is the right thing for me and I hope others will support the motion. Thank you.

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

Representative **MCKENNEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very important bill for a couple of reasons. This bill expands upon a pilot program that is already in existence. We have a pilot program that is written in statute for this same area, to allow Canadian weight trucks to cross the new bridge that is going to be built in Calais - it hasn't been built yet - and travel down that section of Route One. This particular bill in front of you just moves up the timetable a little bit and allows Canadian weight trucks to come across the existing bridge - the Mill Town bridge in Calais - and travel to the mill in Baileyville. This particular mill in Baileyville gets most of its raw material from Canada already, so this isn't changing anything in that regard. What it would change is the fact that these trucks have to stop on the Canadian side, break down into two loads or go over with one truck and come back and get the other trailer. It would be a big money saving measure for that mill in Woodland. That is one good reason to vote for this.

The second good reason to vote for this is that it is a pilot program to allow the Department of Transportation to understand what happens to our roads when trucks of these weight limits go over them. These are Canadian trucks. They are two trailers with a gross vehicle weight of a 138,000 pounds. 38,000 more pounds than we are used to seeing on our roads, but the load is spread out over many more axles. It is very possible that this could do less damage or no damage to our roads. We need to know that and if you look at the bigger picture, our truckers need to know that because it is very possible that we could allow these vehicles to operate on our road. So, this is an important pilot program and it sunsets in 2010 and even before that period of time is up and the DOT Commissioner decides that it is doing irreparable damage to the roads he can pull the plug on this

program immediately. So, I urge you to support this motion. This was the right motion, so follow my light please. Thank you.

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

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree a lot with what the Representative from Portland, Representative Marley has previously stated and this is not a fair bill to all our truckers here in the United States. This is a rural bill that deals with Northern Maine only. It's not fair in the sense that Canadians can come here with enhanced weight; they can load up those trucks to get a better rate. We can't go back through with that same amount of weight and I don't think that is being fair to our truckers here in our state. Also there is the fact of tearing up the roads. I don't think we need a pilot program to understand how enhanced weight and tires affect our road. We have already dealt with that in our committee with a very extensive presentation on tires and what they do to roads. We don't need these big trucks coming here. It is not a fair issue and I believe you should support non-acceptance of the Ought to Pass.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In deference to my committee members in Transportation I will not deviate from my original vote and the reasons are the following: A company in Baileyville, DomTar, is dependent on 60% of its raw products from Atlantic Canada and they must travel a distance of 200 or more miles at times to get to the mill.

Passage of this legislation could lead to a reduction in the number of trucks coming from Canada and the configuration we are talking about is actually as road friendly as the single and other configurations. The B-trains are actually quite friendly to roads.

Being along the Maine-New Brunswick border, DomTar would be placed at a big disadvantage when having to compete for wood with the Canadian competition. Canadian mills can get wood delivered at Canadian weight configurations yet DomTar - situated on the border and receiving wood from Canada - has to come in at Maine limits.

This is a pilot project similar to the one that we approved in the last Legislature but that one really is meaningless. The only tenant in that industrial park in Baileyville is the U.S. Border Patrol and I don't think they are likely to be generating much truck traffic. I am very sensitive to these issues living on the border myself and I think - especially since this is a 5-year pilot project that will generate data - it's very valid. I will maintain my original vote in committee and I urge you to vote Ought Not to Pass on this. Thank you.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am from Calais and DomTar is in Baileyville and let me tell you that DomTar is the only large business in the county of Washington. It has laid off 50 people. It is working to survive. It gets 60% of its wood products from Canada. Now, will this keep DomTar going forever? No, and I don't want this to be totally what this is about but it definitely is needed.

We have an LP plant that has closed down and has moved out, but the one thing we are looking at is that we have an empty plant. If we could provide the incentive to get somebody to move in and start up a business again that would also help our area. We lost 250 jobs in that area. We have a running unemployment rate between 11% and 15%. If we lose DomTar and its 500

workers, we are going to be hit hard and it will last a while because we have lost jobs and no new jobs have come in. Now, is this going to change what traffic will be throughout Maine? I think we need to look at that, but the other thing that this does offer us - and it is a study - is that it may offer us leverage to negotiate with provincial Canada to make that reciprocal because if they like how this works and we say that this ends unless we have a reciprocal agreement, then maybe we have a better bargaining position than we did if we did nothing.

I am going to ask you to look at this in two different ways. Look at this as we look at this, to extend the project another eight miles because one already exists so that we can help the area for a short period of time and use this as leverage for negotiating with Atlantic Canada so that we can have a reciprocal agreement around trucking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To try not to say anything that might offend any of the previous speakers, I am asking you to vote against this motion.

One of the things that has come up was talked about last session. In the 121st there was a bill that came up that already allows this to happen and that is true, but that bill came out of committee unanimous and, not doing the homework that I should have, it snuck by. If I had known about it, I would have gotten up last year and spoke against it because it certainly was nothing that myself, or anyone in the industry on this side of the border, would have supported.

The thing about reciprocation with Canada - I don't think you are ever going to see that happen. Canada protects their people and in my mind they are doing the right thing. Now, I spoke about this a little bit last night and I'll probably just give you a little thing today because we are going to have some more issues like this and I don't want to be seen as anti-Canadian because I have relatives from there and I am quite sure that most of my ancestry comes from Canada, but I do live in Maine and I do work in an industry here in Maine and I think we need to protect them instead of giving things away to Canadian Truckers and Canadian loggers that Maine people don't have.

I was on a task force that two weeks ago released a report, the Governor's Task Force on Sustainability in the Logging Industry. DomTar was on that task force. We talked about this issue in committee. It was talked about and we decided not to act on it. Now, that report just came out two weeks ago, if they had wanted it so bad - and they did bring it up in committee - they never spoke to the extent that this was going to happen. I think that is a point that certainly should be thought about. Why are we trying to do it now if we didn't want to do it in that sustainability task force when we had all the players around the table at that time?

The issue about running low on wood, well certainly the time of year it is I would say a lot of mills are probably a little low on wood because it's mud season and they have used a lot of their inventory. The trouble with this is that they can go over to Canada and get their wood with regular trucks and trailers that we are using now. It's not going to stop them from getting wood in Canada. They can get it at the same rates, the same amounts that Maine people can haul at. This isn't a deterrent to them getting their supply, it is just a fairness issue - Maine against the Canadian trucks.

You know, the thing about DomTar closing, honest to God I don't want to see that happen. On the task force that we were on, DomTar had a lot of issues and we tried to address them. I didn't ever speak against them. I would like to do whatever I can

to help, but how many people do we have to hurt to make sure that DomTar stays in business? I see this all the time, people talk about mills going out of business and everyone's concerned and I'm certainly concerned. The media runs there and it is a bad issue, but I see individual loggers and truckers going out of business everyday and you don't see anyone come to their aid. This is exactly what is going to happen here. You're talking about a 40% more giveaway to the Canadian truckers that Maine truckers don't have - 40% more. Now, there is no doubt in my mind that even for the Maine job on this side I have guys coming out of the Allagash and Fort Kent down to the DomTar mill. I know for a fact that their rate is going to be cut if Canadian trucks come in with 40% more payload. It's obvious in my mind that the rates are going to fall.

Last year we had the collective bargaining bill and the people that were here last session might remember the amount of truckers and loggers that came down for that. I guarantee you that I have had ten times more calls on this issue than I did that one last year and they are coming from all over the state. I have even had mill owners call me and say that it is not fair to them because they can't get their wood at 40% less like DomTar would be getting it at in this legislation. It certainly is something that, in my mind, though I want to do it, I can't help DomTar. This is going to hurt a lot of Maine people and possibly some other Maine mills. I would question if it is an antitrust violation in that regard where we are giving one exemption to one mill but we are not going to give it to all the rest and I would tell you that this is a real bad precedent that it leaves for Maine people. This is a large business versus small business and if you open that door I think you will see that you are going to be able to drive a very big truck through it once it happens.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All my working life I was in the printing business and we purchased paper from Frasier paper up on the Canadian border. I have been a guest there a couple of times. They have a tree farm in Canada, a very large tree farm. They have two pulp mills on the Canadian side of the border and they shoot the pulp across the Saint Johns river into two paper mills that employ Americans. I don't see where DomTar, being a Canadian company should have anything to do with the business in the United States. They have worked across the border for years and for my good friend from Portland I would worry about the streets over in Portland don't worry about the rural part of Maine where I come from.

The SPEAKER: The Chair recognizes the Representative from Washburn, Representative Churchill.

Representative **CHURCHILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill addresses everything but public safety. To pass this bill you are giving a truck that is built to haul 100,000 pounds the right to haul 38,000 extra pounds, the weight of ten average American cars. The B-trailers I am all too familiar with and have worked with Canadian trucks for five years. The break capacity works off of the tractor pulling the main trailer and you have a stopping distance there that is not figured into the computerized system on the truck. I think we have to think a little bit about safety. If you look in your rear view mirror and see one of these follow you - this bill would be like raising the blood alcohol level to .20 to sell more alcohol. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just in response.

In my mind it has nothing to do with DomTar being in Canada or Maine. The issue is that Canadian trucks coming into Maine and displacing Maine truckers is the issue in my mind. It has got nothing to do with the mill. Most of the mills in my area in Canada - I am actually quite happy that DomTar would choose to come to Maine and reside in Maine - but I still can't get over the fact that we are going to displace Maine truckers and give Canadian truckers a law that no one in Maine can use. In my mind that's not fair. If we want to do that, why don't we do it statewide? Lets have double trailers on all highways in Maine at 140,000 pounds. That right there speaks to the issue of the pilot project. Does anyone actually think that if this goes through in five years time we are going to allow 140,000 pounds on every Maine road? Do you think that we are going to have 140,000 pounds coming down Western Avenue here? I think the public would be freaking out if we let something like that happen. The thing with the study information is that there is already all kinds of information on this. This is not a new idea.

In 2000, the U.S. D.O.T. did a comprehensive weight study that says that it costs the government more money to maintain the roads with multiple trailers, as opposed to single trailers. Fatality rates are higher. Rollovers are higher. It takes a lot longer distance for these trucks to brake because they are obviously hauling more weight. The steering is impacted and they have more breakdowns because they are hauling more weight. They also have the "Crack A Whip" effect of the second trailer whipping around in the back and it can go anywhere from six inches to three feet of swing while your meeting this. I think that the information is already there. U.S. D.O.T. has already studied and felt that it is most like not cost effective and certainly causes more trouble with safety. Those things are all important but in my mind we are going to do something for Canadian truckers that we are never ever going to do for Maine truckers.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This proposal that is in front of you now I was asked to put in originally for LP in Houlton, however there is 1200 feet of road up there that the Feds wouldn't release to the D.O.T. to use so we had to exclude that. There is already a pilot project for DomTar from Calais to Baileyville pending the completion of the new bridge. When I talked to D.O.T., I asked them when that completion date was going to be and I thought probably somewhere between three to 12 years. Now they have told me that they are planning to start this bridge in '06 and it will be done in '07, so the pilot project is there. It's going to go into affect in '07 anyway and that will carry it from the new bridge up through toward Baileyville. This one extends it so it can go all the way to the mill in Baileyville. Representative Perry said it is about another 8 miles.

The idea of competing with Canada and with the U.S. truckers never really came to a head until just recently. I do know that there has been some concern however, this remember, is a pilot project. If this project goes through it will be for five years. The other part of the project out there if the bridge is completed in '07 will last seven years so this will only give you a shorter time for those trucks to be on the road.

We can go back and forth about what is good for Canada and what is good for the U.S. and what we can do there and what we can't. We had a program which was passed last year, which called for a Canadian Ombudsman and that person was supposed to have been already appointed to that particular position and would be in a position to handle situations like this and to negotiate back and forth and ease the problems that exist between the provinces and Maine. That person is still not there

but hopefully we can get that person appointed so that we can go ahead and pursue these differences that we have with the provinces. I urge you to accept the Ought to Pass motion and when the vote is taken Mr. Speaker I request the yeas and nays.

Representative JOY of Crystal 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 Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I truly was not going to get up to speak on this until Representative Joy mentioned the Canadian Ombudsman, one of my favorite stories. The sophomores, juniors and seniors know how hard we fought to get that position and this is exactly the type of thing we used to deal with the Canadian neighbors. No pilot project until we got transportation across the boarder to the east. I don't know why we are hesitating on that and that's a little bit off the point, but it should be done.

I would like to really speak in support of Representative Perry from Calais. You know she is right on. She lives there. She is saying 400 jobs. Four hundred jobs are at risk and she says for a little time to bring this material in.

I have some other notes here and I would like to very quickly go through them if I may. This really affects my district 90 miles north of Calais about 85 miles north of Baileyville give or take a few miles. Last session we helped do a 20-mile stretch between Danforth and Topsfield up to grade so truckers could get south. I have a series of logging contractors in my district and I won't give you the names but I talked to them today and I said how would this impact you – the 138,000 pounds – and of course they don't like it, but they said that they would check and get back to me about what the impact would be on their rates. They can haul two loads a day into DomTar because they are hauling at 50-60 miles away and sometimes if they get up bright and early in the morning sometimes they can do three. Forty percent of the fiber still comes out of the state of Maine and I have people in my district that are under contract that are going to still haul to this mill.

When you look at the numbers, and I think Representative Perry mentioned it, these B-trains, many of them are coming from Nova Scotia, two hundred miles away. They aren't going to make three trips a day and they are going to pay for fuel like everyone else. I'm not sure if it is a 40% spread or not.

I would like to make the point that we are in worldwide competition. If anyone sitting here hasn't heard about China and India or other parts of Southeast Asia we are in competition. If you listen to Jack Cashman, to use a name, he says we have got to protect what we have here while we are in this transition, while we are doing R&D stuff. This is a protection thing. Representative Paradis said it may or may not be here, but let's hang on for a while until some of this other stuff kicks in for us. The little town of Houlton had something called Houlton International, which was probably not well named, but they made chair parts that they shipped to North Carolina. Good jobs. Good jobs there and it had been there forever. What happened to them? China is taking over the chair manufacturing in terms of parts and what the Houlton plant was selling is no longer in competition because they do not exist anymore and China material is coming in. We are in worldwide competition. Borders mean nothing anymore.

Representative Campbell talked about being up north a couple times and at those cross-border meetings there were five

Representatives there, we had the Premier of New Brunswick there and we had the head of the paper company there and he gave a great speech and maybe it was self-serving, but I don't think so, he said that if you add up what is on both sides of the border - New Brunswick is only 900,000 square miles and is smaller than the State of Maine. This humongous state that southern Maine seems to think is somewhere near the North Pole, but that gentleman said at that meeting, speaking to five Representatives and I believe Representative Campbell was there, if we cooperate across the border he says I can sell paper anywhere in the world. This is not a simple man, this is a man that knows where every paper company exists on the planet and he was talking about Norway and Sweden and said that they had the fiber there. I would urge you to pass this. LP in Houlton is out of it, but hopefully we can 100,000 pounds on that road except for 1200 feet of it, I guess. I suggest that maybe we support Washington County and Representative Perry and keep 400 jobs over there.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have lived in Washington County for most of my life. I've deer hunted, I have bird hunted, and I've hunted for almost 60 years. Back when I first hunted, I hunted in the forest. There were acres and acres and miles and miles of woods in the area, but over the years they cut the wood off. They cut this off, they cut that off and now it's nothing but clearcut. You can see for miles. You drive along the roads and you're going to see a strip of wood right near the highway just so you don't see the cut downs, but if you go back in the woods a ways you will see that there is nothing there. We need wood products from Canada and DomTar is really at a disadvantage as far as wood products go. They are near the Canadian border. It is hard for them to get wood from far away places so we really need to look at this very carefully. I heard what my good friend Jackson over there said and he had some good points but I still disagree with his points. Representative Perry is the one that really hit it and Representative Sherman. Anyways, there was a second mill in Woodland, Louisiana Pacific. They just shut down there a short time ago. Why did they close? They couldn't find the raw material. There are no wood products. They need to come in from Canada. So, what we need to realize mainly is a sunset on this bill as Representative Joy just mentioned. This isn't something that might go on forever, but what I am seeing is that it's good for the economy in Washington County. We need it. We need this pilot project and I urge you all to vote in favor of this. Thank you Mr. Speaker.

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

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have delivered logs to both of the mills that we are talking about and I don't want either of them to close.

Sometimes when we help one person or one party our good intentions end up hurting another party and it's not always easy to find the right balance. I voted for this bill in committee, hoping it would help re-open the Louisiana Pacific Orientated Strand Board plant in Baileyville. With two mills competing for wood, the hardship on Maine Truckers would have been minimal and this bill would help the mills obtain the wood. Now hope of that OSB mill in Baileyville is all but gone and with only one mill in operation instead of two it could be and probably will be a real hardship on Maine truckers. So, who do we help? Who do we hurt? It's tough. I don't want to see those mills close but I don't

think we should be allowing Canadians to do something in Maine that we don't allow Maine trucks to do. I'm going to vote against this bill on the floor. Thank you.

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

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Although I am not as well qualified these days as I might have been 30 years ago when I lived in Calais and I grew up in Washington County. I would visit my grandparents who lived in Baileyville on Main Street and my grandfather would walk to the mill and I would watch him walk to the mill on a nice summer day when school was out. This is about the sustainability of an economy. It is about survivability of that part of Washington County. I appreciate the comments of my colleague on the Labor Committee, Representative Jackson and I hear what he is saying but whenever we talk about this area of the state I think we are talking about jobs, were talking about people being able to sustain their own regional economy and I think that is important to Maine as a whole and I would support the Majority Ought to Pass as Amended Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to apologize to my friend from Portland. I meant the Gentleman from Old Orchard Beach.

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

Representative **BABBIDGE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's a supply and demand question. I do have issues with this as far as safety and so forth, but I am very, very sympathetic to the economic needs of Washington County. I lived eight years in Greenville and loved my time in rural Maine and my family has been in this state for two and a half centuries so I really feel concern here, as does everybody in the body, I'm sure.

If this passes and we bring in these double trailers from Canada is there any evidence, as far as the availability of wood, that less wood would be coming in from American truckers?

The SPEAKER: The Representative from Kennebunk, Representative Babbidge has posed a question through the Chair to the Representative from Crystal, Representative Joy. The Chair recognizes that Representative.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The word that we had from the representatives of the mill is that they currently get 60% of their wood from Canada and that they would continue to get 60% of their wood from Canada.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to get my own spin on that question. In my mind and past experience they are getting 60% of their wood out of Canada at 40% less cost. I believe that they will get more than that 60% over time. To me, this bill isn't about supply so much as it is about cost. The wood is in Canada. If they don't get this bill they are going to continue to get that 60% out of Canada, but they will get it on a single trailer at 100,000 pounds like everybody else coming into Maine.

Under this bill they would get double trailers hauling 40,000 pounds more than anyone else. For sure the rate is going to be

reflected in that 40-pound larger haul and the other issue that hasn't come up is that it's coming out of Canada. Even with the exchange rates coming down we are still talking about a 15%-20% difference in the exchange rate that these Canadian truckers are going to be hauling under. We see this all the time, Canadians coming into Maine to cut wood. The can cut less because our dollar is worth more when they exchange it in Canada.

To me, it is quite evident what is going to happen here. If they are getting it for 40% less and the cost is 40% cheaper they are going to get more of their wood out of Canada. Now, if they need to have this wood out of Canada they can get it currently. They are getting it currently. They will continue to get it currently but they will get it fairly compared to Maine people so please vote against the pending motion.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We are talking about American jobs and American business no matter which way you vote. We are talking about American workers who are papermakers and who have worked and lived in the area of Baileyville all of their lives. Even the manager of that mill grew up in that area and is working very hard to get this mill to survive. Yes, we are talking about truckers and I still say that having this pilot project will give us a much better bargaining chip when it comes to reciprocity than if we do nothing and I ask you to consider this – that we are talking about American workers no matter which way we go and I ask that you vote for this bill – for Washington County and what we can do if we bargain for reciprocity. Thank you.

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. 120

YEA - Annis, Austin, Beaudette, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Canavan, Cebra, Clough, Collins, Craven, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Emery, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Harlow, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, Marraché, McCormick, McFadden, McKane, McKenney, Merrill, Millett, Moody, Moore G, Moulton, Nass, Ott, Paradis, Perry, Pilon, Pingree, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Sykes, Vaughan, Walcott, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brautigam, Brown R, Bryant, Burns, Cain, Carr, Churchill, Clark, Cressey, Cummings, Dudley, Duplessie, Eberle, Eder, Edgecomb, Farrington, Finch, Fischer, Gerzofsky, Grose, Hanley B, Hogan, Hotham, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, McLeod, Miller, Mills, Norton, Nutting, Patrick, Pelletier-Simpson, Percy, Pineau, Pinkham, Piotti, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Watson, Wheeler.

ABSENT - Berube, Bierman, Brannigan, Faircloth, Hanley S, Jennings, Kaelin, Muse, O'Brien, Stedman.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-261)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 2005.

CONSENT CALENDAR
First Day

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

(S.P. 292) (L.D. 884) Bill "An Act To Protect Motherhood" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-139)**

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

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

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

(H.P. 728) (L.D. 1075) Bill "An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)**

(H.P. 759) (L.D. 1106) Bill "An Act To Amend Certain Animal Health Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-305)**

(H.P. 805) (L.D. 1162) Bill "An Act To Permit the Establishment of Regional Water Councils" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 883) (L.D. 1286) Bill "An Act To Require Additional Disclosure Regarding Private Mortgage Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)**

(H.P. 900) (L.D. 1303) Bill "An Act To Register Nonbank Loan Officers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

(H.P. 980) (L.D. 1416) Bill "An Act To Amend the Maine Consumer Credit Code" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)**

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. **ORDERED SENT FORTHWITH.**

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

(H.P. 402) (L.D. 526) Bill "An Act To Phase Out the Recycling Assistance Fee" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 803) (L.D. 1160) Bill "An Act To Increase Wetland Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

(H.P. 1029) (L.D. 1466) Bill "An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities" Committee on **NATURAL**

RESOURCES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)**

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

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

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

(S.P. 447) (L.D. 1267) Bill "An Act To Extend the Kim Wallace Adaptive Equipment Loan Program" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 473) (L.D. 1375) Bill "An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 65) (L.D. 159) Bill "An Act To Restrict Undocumented Mortgage Agreements" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)**

(S.P. 103) (L.D. 341) Bill "An Act To Change the Definition of 'Academic Medical Center'" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)**

(S.P. 130) (L.D. 406) Bill "An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)**

(S.P. 194) (L.D. 585) Bill "An Act To Reauthorize the Petroleum Market Share Act" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)**

(S.P. 234) (L.D. 697) Bill "An Act To Clarify Reporting Responsibilities to Licensing Boards" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-130)**

(S.P. 295) (L.D. 887) Bill "An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)**

(S.P. 329) (L.D. 989) Resolve, To Study the Insured Value Factor in School Tuition Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 500) (L.D. 1458) Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**

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

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

ENACTORS

Emergency Measure

An Act To Establish a Cost-sharing Formula for the Five Town Community School District

(H.P. 1177) (L.D. 1668)

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. 127 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)** on Bill "An Act To Provide Relief from the Cost of Rescue Services to Certain Communities" (H.P. 412) (L.D. 557)

Signed:

Senators:

SCHNEIDER of Penobscot
ANDREWS of York

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senator:

ROTUNDO of Androscoggin

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-317)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 2005.

ENACTORS

Acts

An Act To Protect Motherhood

(S.P. 292) (L.D. 884)

(C. "A" S-139)

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

On motion of Representative CRESSEY of Cornish, 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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 121

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Bierman, Brannigan, Faircloth, Hanley S, Jennings, Kaelin, Muse, O'Brien, Plummer, Stedman.

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. **ORDERED SENT FORTHWITH.**

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended - Committee on NATURAL RESOURCES on Bill "An Act To Improve the Business Climate in Maine"

(H.P. 837) (L.D. 1219)

Which was **TABLED** by Representative DUCHESNE of Hudson pending **ACCEPTANCE** of the Majority **Ought Not to Pass** Report.

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

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

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Ought Not to Pass and would like to explain why.

First of all, I think economics needs to be considered in any decision made on environmental regulations and permitting. The bill being voted against right now simply says that economic viability needs to be considered. It does not require economics as a deciding point or that an economic impact statement be done. It simply says that it needs to be considered. It is frustrating when you meet with the Department of Environmental Protection and ask if economic viability is taken into consideration and the answer that you get back is not that its not their job.

You may hear that we maybe should have added an economist to this particular bill, well we did, but we took it out. You might also ask why we didn't do this for all departments.

I agree, but that wasn't in the proposal. Other states consider economics in their decision. Consider New Hampshire, a state that we directly compete with. The principles of their own Department of Environmental protection state that they focus on integrating environmental quality, public health and safety and economic viability, while pursuing its responsibilities under the law. The economic viability language is a language that I had suggested. Picture yourself as new business coming into the State of Maine and when you ask whether they have considered economic viability in their decision making process and are told that it is not your job might you not look to locate that business in New Hampshire? Finally, in closing let me say that the Commissioner of the DEP supported this idea and suggested language that mirrors what we see before us today. I ask you to vote against the Ought Not to Pass and let the Minority Report go forth. Thank you very much.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I can't begin to describe how much I agree with Representative Saviello from Wilton as to the importance of balancing economic interests as we try and protect public health, clean water, clean air and the safe disposal of our wastes in Maine.

I have served on this committee, Natural Resources, for five years and I have watched this committee assiduously debate and explore every angle of the consequences of our legislation and that is why you see very few court cases come up where our legislation is repealed or where you see our legislation repealed by the house. We are very, very careful to take measured steps when protecting public health and welfare. We have not only numerous trade associations from in state, but we actually have many flying in from out of state to look at the economic consequences to any particular sector of our economy by actions that our legislation may take. For example, the year before last we had a bill to take mercury switches out of automobiles and believe me the auto industry wasn't interested in taking the switches out of automobiles. Why did we do it? Well, the majority of the committee and the majority of the House looked at the consequences of not taking them out, which was that those crushed cars would go to New Jersey to be smelted and the evaporating mercury in those cars would move right back to Maine and it made sense to say lets take the switches out before sending them to New Jersey.

Was it a bad business bill? Did it hurt the business climate? Well, the automotive industry wasn't happy with it and they sued us and lost in court in Maine. My good friend Senator Martin, at that time Chair of our committee, was happy to schedule bills that might bring out-of state-trade associations to Maine to testify late in the day because we keep them over and stay in our motels and eat in our restaurants which was good economic development in his mind, but to be serious about this, we worked so hard. We had members of the committee and the legislature who work for big industry and who work for and consult for industry. We take their views very seriously; they bring up issues for us in great detail and are experts at asking tough questions on any particular bill.

I don't know anybody on the Natural Resources Committee who isn't deeply concerned about the future of this state. When we looked at the future of the economy of this state, the job of our committee was to care about the natural resources, which our economy is always dependent upon – healthy forests, healthy waters, good drinking water, clean air. So, we have got a lot of work to do to maintain that and to improve it and we are doing the best that we can incrementally with limited resources, but we

really don't want to change the mission statement, which is ultimately what this bill is about – changing the mission statement.

Do I like these words? I love these words. I use them all the time. Promoting a sustainable economy. Absolutely, but I don't think we need to change the mission statement of DEP to improve the work we do in the Natural Resources Committee or the outcomes of our decisions and I really beg your support for the Ought Not to Pass Report and I am more than willing to be a co-sponsor in any legislation that looks at how we can do a better job in analyzing the relationship between economic impacts and environmental quality anytime. Thank you Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When you are talking about the environment you are not really sure what to make for an argument. You say the word mercury because somehow, when we say mercury, loons, babies all sorts of stuff comes to mind and we have to make sure that we don't go there and this has nothing to do with mercury. This is about exactly what it says – a mission statement for the DEP. What is the DEP here to do? Well, what does it say right now? It says, "To prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State."

What we are saying in the Minority Report is that we also do it while maintaining the state's economic vitality. The amendment me that will be before you once we get through this debate will say it even better. The DEP Commissioner supports me. Now, many of you have seen people walking the halls these last couple of days that have these little buttons on that say "Clean Rivers, Good Jobs". You have to understand that when people go out there and push that particular issue a lot of people on the other side say they don't believe you. They don't believe that you really understand that you want both clean rivers and good jobs. We all talk about how they are supposed to go together, well, I'm asking you to prove it, to slip in words supported by the Commissioner herself and to say, "Yes the DEP is trying to give you a clean river and a good job," and that's what the Minority Report is. Please vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The last thing we need is another lawyer in the DEP. We have already made budget cuts in our department and when we talk about economy it's not always great. What is the economy of cleaning up the Plymouth landfill site? It was not economical for us to do so. It cost so much money, but it was the right thing to do. This is something that was thrown in to disrupt what the DEP is doing. That's the bottom line; that is the truth. This is bad. Thank you.

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

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are reliving a discussion that we had in Natural Resources Committee for your own benefit and amusement, so bear with me as we continue it in public.

I have been against this proposal from the beginning because I didn't think that it did anything and I haven't changed that view. Economic impacts are debated in every hearing, every rulemaking, every time the Commissioners of DEP and DECD are called into the second floor of this building for discussions

with the Chief Executive Office to discuss the economic consequences. So, all of that is currently going on. What we are really talking about is amending the preamble of the mission statement of DEP almost as if it is a marketing slogan. As if we are marketing against New Hampshire with better wording in our preamble than theirs and I suggest that if that is going to be our focus, then let's at least take it a step further. Let's come up with something really creative, like your first fine waived for free. Thank you Mr. Speaker.

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am serious about this and I find that if you think it was disruptive then why did the Commissioner of DEP come and testify in favor of it and number two, Mr. Speaker, is that we are in competition with everybody and we need to be marketing ourselves. Anything to make light of that is a misinterpretation of what this bill says. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from China, Representative Thompson.

Representative **THOMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Anyone who has developed mission statements or strategic plans has come up against this blurring of activities. We always try to cram too much stuff with the best of intentions into the statements. It is most difficult to keep mission statements paired down to the nuts and bolts of your organization. This is not to say that the DEP should not consider economic or public health impacts in their issues.

I once worked at a shipyard and each project had a lead code, a lead group. We also had assist groups. When you came up against an issue that's not quite your bailiwick you called on your assist groups. The mechanicals would call on the electricals and the civils. In terms of state government, what we have is other departments. In a way they are your assists and that includes the Department of Economic and Community Development, Education, IF & W, Labor, The Maine State Housing Authority, Health and Human Services, the Maine State Museum and the Office of Fiscal and Program Review – I could go on but I think you get the idea. There is a problem, Ladies and Gentlemen, and I think that it is a problem to communicate. Thank you.

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

ROLL CALL NO. 122

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Farrington, Finch, Fischer, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Nass, Norton, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Rosen, Sampson, Schatz, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Dugay, Duprey, Edgecomb, Emery, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett,

Moody, Moore G, Moulton, Nutting, Ott, Paradis, Perry, Pinkham, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Berube, Bierman, Brannigan, Faircloth, Hanley S, Jennings, Kaelin, Muse, O'Brien, Plummer, Stedman.

Yes, 72; No, 68; Absent, 11; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, with 11 being absent, and accordingly, the Majority Ought Not to Pass Report was **ACCEPTED. ORDERED SENT FORTHWITH.**

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

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call number 117 on L.D. 1110, had I been present, I would have voted yea and in reference to roll call number 118 on L.D. 1244, had I been present, I would have voted yea.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call number 115 on LD 1109, if I had been present I would have voted yea and in reference to roll call number 116 on LD 443, if I had been present I would have voted yea.

On motion of Representative WHEELER of Kittery, the House adjourned at 6:02 p.m., until 9:00 a.m., Wednesday, May 11, 2005. At this point, the Members of the House stood and joined in a moment of silence in honor and lasting tribute to the memory of all the Mainers who have made the supreme sacrifice during World War II.