

MAINE STATE LEGISLATURE

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

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
22nd Legislative Day
Thursday, March 9, 2006

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

Prayer by Reverend Larney Otis, Trinity Episcopal Church, Lewiston.

National Anthem by Ann Pollard-Ranco, Orono.

Pledge of Allegiance.

The Journal of Tuesday, March 7, 2006 was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Harness Racing Laws Regarding Distributions from the Fund to Supplement Harness Racing Purses" (EMERGENCY)

(S.P. 786) (L.D. 2042)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act To Maintain Standards for Consumers of Mechanical Services"

(S.P. 733) (L.D. 1933)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Non-Concurrent Matter

Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service"

(S.P. 246) (L.D. 748)

Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **LABOR** **READ** and **ACCEPTED** in the House on March 2, 2006.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-432)** in **NON-CONCURRENCE**.

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

Representative DUPREY of Hampden **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.

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative RICHARDSON of Brunswick to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

Non-Concurrent Matter

Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

(H.P. 1027) (L.D. 1464)
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) AND HOUSE AMENDMENT "A" (H-747) in the House on February 9, 2006.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) AND SENATE AMENDMENT "A" (S-441)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE** in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 793)

STATE OF MAINE 122ND MAINE LEGISLATURE

March 3, 2006

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

122nd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Paul Jacques of Waterville for appointment and Michael Hastings of Hampden for reappointment as members of the Maine Indian Tribal State Commission.

Pursuant to Title 30 M.R.S.A. §6212, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/John Richardson

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 794)

STATE OF MAINE 122ND MAINE LEGISLATURE

March 3, 2006

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development

122nd Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the following as members of the Finance Authority of Maine:

Joyce Maker of Calais for reappointment

Theodora Kalikow of Farmington for reappointment

Kevin Mattson of Hallowell for appointment

Glenn Lamarr of Fort Kent for appointment

William Beardsley of Bangor for reappointment

Kelly Matzen of Auburn for reappointment
Pursuant to Title 10 M.R.S.A. §965, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 795)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 1, 2006

Sen. Kenneth T. Gagnon
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans Affairs

122nd Legislature
Augusta, ME 04333

Dear Senator Gagnon and Representative Patrick:
Please be advised that Governor John E. Baldacci has nominated Michael T. Peters of Dixfield for appointment; Orland G. McPherson of Eliot and Peter W. Danton of Saco for reappointment as members of the State Liquor and Lottery Commission.

Pursuant to Title 5 M.R.S.A. §283-A, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

READ and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

The Following Communication: (S.P. 796)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 1, 2006

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has nominated Kristin Aiello of Hallowell for reappointment as a member of the Maine Human Rights Commission.

Pursuant to Title 5 MRSA §4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

The Following Communication: (S.P. 797)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 1, 2006

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the following as members of the Maine Educational Loan Authority:

Bruce N. Schatz of Manchester for reappointment
Christopher Bell of Caribou for appointment
Elizabeth Doane of South Portland for appointment
David Mahoney of Hebron for appointment

Pursuant to Title 20-A M.R.S.A. §11415, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 798)

STATE OF MAINE
122ND MAINE LEGISLATURE

March 1, 2006

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:
Please be advised that Governor John E. Baldacci has nominated Mark Lawrence of South Berwick for reappointment as a member of the Maine Public Broadcasting Board of Trustees. Pursuant to Public Law 1998, Chapter 549, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Replace Municipal Revenues Subject to Business Equipment Property Tax Exemption"

(H.P. 1452) (L.D. 2056)

Sponsored by Representative BOWLES of Sanford.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BIERMAN of Sorrento, CLOUGH of Scarborough, CUMMINGS of Portland, GLYNN of South Portland, LINDELL of Frankfort, McCORMICK of West Gardiner, McKANE of Newcastle, Speaker RICHARDSON of Brunswick, RICHARDSON of Warren, ROBINSON of Raymond, TARDY of Newport, VAUGHAN of Durham, WATSON of Bath, WOODBURY of Yarmouth, Senators: COURTNEY of York, President EDMONDS of Cumberland, PERRY of Penobscot.

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

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute Revisor of Statutes

Representative SIMPSON for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1449) (L.D. 2055)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1450) (Cosponsored by President EDMONDS of Cumberland)

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are locally owned and governed financial cooperatives dedicated to serving the needs of their members. The not-for-profit structure of credit unions

provides to each member equal representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are devoted to the more than 600,000 Maine consumers that belong to a credit union; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high performance and satisfaction that consumers assign to Maine's credit unions. Since 1983, credit unions have ranked first in consumer satisfaction out of all financial institutions. With lower and fewer fees and an unmatched level of member service, Maine's credit unions hold a place in the state's financial services industry that continues to grow; and

WHEREAS, Maine is ranked as the nation's 5th-strongest credit union state, based on the percentage of population that belongs to a credit union, a position Maine has held for 6 consecutive years. Nearly half of all Maine residents belong to a credit union; and

WHEREAS, the 1,975 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers that serve on credit union boards and committees demonstrate the core credit union values and philosophy and the mission of Maine people helping Maine people and contribute to their communities; and

WHEREAS, since 1990, Maine's credit unions and their members have raised more than \$2,000,000 to help end hunger in Maine. All money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of families and individuals who otherwise would go hungry. Because of the commitment of Maine's credit unions to the cause of ending hunger, the State is recognized nationally for its leadership role in raising awareness and funds and finding solutions to the problem of hunger not only in Maine but in a number of other states; and

WHEREAS, in addition to their campaign to end hunger, Maine's credit unions also provide hundreds of thousands of dollars to improve the lives of Maine people. From contributing thousands of dollars and countless hours to help Maine Special Olympians to contributing nearly 10,000 teddy bears to children in crisis through the Maine Credit Union's BearHugs for Kids program, Maine's credit unions voluntarily contribute enormous amounts of time and financial resources to organizations and agencies in their own communities; and

WHEREAS, since 1921, Maine's credit unions have been a source of economic stability and assistance by helping thousands of people in communities across Maine realize financial success. Throughout Maine, credit unions remain a vital, socially responsible and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for the positive contributions they have made to the lives of Maine citizens and their communities for more than 85 years. Their service and dedication to this State is a tribute to the values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 72 affiliated credit unions.

READ and **ADOPTED**.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 55)

ORDERED, that Representative Robert A. Berube of Lisbon be excused Thursday, February 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia A. Blanchette of Bangor be excused Tuesday, February 28th and Thursday, March 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Thursday, March 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Tuesday, March 7th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Connie Goldman of Cape Elizabeth be excused Thursday, March 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Randy E. Hotham of Dixfield be excused Tuesday, February 14th, Thursday, February 16th and Tuesday, February 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney C. Jennings of Leeds be excused Thursday, March 2nd for personal reasons.

READ and PASSED.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative PERCY for the **Joint Standing Committee on Marine Resources** on Bill "An Act To Establish Harbor Master Training Requirements"

(H.P. 1448) (L.D. 2054)

Reporting **Ought to Pass** pursuant to Joint Order 2005, H.P. 1190.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

Refer to the Committee on Inland Fisheries and Wildlife Pursuant to Joint Order

Representative WATSON for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

(H.P. 1453) (L.D. 2057)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** pursuant to Joint Order 2005, H.P. 1441.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)** on Bill "An Act To Amend the Maine Criminal Code and Various Provisions Related to Juveniles"

(S.P. 688) (L.D. 1771)

Signed:

Senators:

DIAMOND of Cumberland
CLUKEY of Aroostook
NUTTING of Androscoggin

Representatives:

PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
SYKES of Harrison
DAVIS of Augusta
PARADIS of Frenchville

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

Signed:

Representatives:

BLANCHETTE of Bangor
CHURCHILL of Washburn
GERZOFKY of Brunswick
GROSE of Woolwich

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-472)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 14, 2006.

Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 1224) (L.D. 1717)

Signed:

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham
HANLEY of Gardiner
CHURCHILL of Washburn
GERZOFKY of Brunswick
GROSE of Woolwich
PARADIS of Frenchville

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-794)** on same Bill.

Signed:

Senators:

DIAMOND of Cumberland
CLUKEY of Aroostook

Representative:

DAVIS of Augusta

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-795)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

SYKES of Harrison

READ.

On motion of Representative BLANCHETTE of Bangor, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1405) (L.D. 2003) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1406) (L.D. 2004) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1407) (L.D. 2005) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1408) (L.D. 2006) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1409) (L.D. 2007) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1410) (L.D. 2008) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1411) (L.D. 2009) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1412) (L.D. 2010) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1413) (L.D. 2011) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1360) (L.D. 1919) Bill "An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-810)**

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. 697) (L.D. 1780) Bill "An Act Concerning Members of School Administrative Districts' Finance Committees"

(S.P. 756) (L.D. 1966) Bill "An Act To Make Allocations from the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007"

(S.P. 524) (L.D. 1508) Bill "An Act To Regulate Fire Alarm Contractors" (C. "A" S-468)

(S.P. 684) (L.D. 1767) Bill "An Act To Clarify the Charitable Solicitations Act" (C. "A" S-469)

(S.P. 696) (L.D. 1779) Bill "An Act To Increase Certain Fees Paid for Service of Writs and Complaints" (C. "A" S-461)

(S.P. 757) (L.D. 1967) Bill "An Act To Support Fishing Derbies" (EMERGENCY) (C. "A" S-463)

(H.P. 1216) (L.D. 1709) Bill "An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee" (C. "A" H-792)

(H.P. 1227) (L.D. 1720) Bill "An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture" (C. "A" H-805)

(H.P. 1280) (L.D. 1840) Bill "An Act To Promote Recycling of Cellular Telephones" (C. "A" H-800)

(H.P. 1303) (L.D. 1863) Bill "An Act To Permit Supplemental Environmental Projects for Forest Practices Violations" (C. "A" H-804)

(H.P. 1308) (L.D. 1868) Bill "An Act To Eliminate Administrative Preliminary Hearings for Probationers" (C. "A" H-796)

(H.P. 1324) (L.D. 1884) Bill "An Act To Improve the Prisoner Telephone System" (EMERGENCY) (C. "A" H-793)

(H.P. 1328) (L.D. 1888) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" (C. "A" H-801)

(H.P. 1343) (L.D. 1902) Bill "An Act Concerning Energy Conservation in Schools" (C. "A" H-791)

(H.P. 1357) (L.D. 1916) Bill "An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot" (C. "A" H-797)

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

BILLS IN THE SECOND READING

Senate

Resolve, Regarding Source Water Protection
Recommendations
(S.P. 785) (L.D. 2037)

Senate as Amended

Bill "An Act To Amend the Statutes Governing the Commercial Fishing Safety Council"
(S.P. 681) (L.D. 1764)
(C. "A" S-467)

Bill "An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping"
(S.P. 685) (L.D. 1768)
(C. "A" S-462)

House as Amended

Bill "An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters"
(H.P. 1312) (L.D. 1872)
(C. "A" H-798)

Bill "An Act To Create a Tiered Wholesale Seafood Dealer's License" (EMERGENCY)
(H.P. 1373) (L.D. 1961)
(C. "A" H-802)

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 AS AMENDED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2007
(H.P. 1226) (L.D. 1719)
(C. "A" H-762)

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. 114 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Increase Accessibility to Health Insurance
(H.P. 1242) (L.D. 1734)
(C. "A" H-758)

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

Representative GLYNN of South Portland **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.

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call on **PASSAGE TO BE ENACTED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding the Appointment of Harbor Masters
(S.P. 651) (L.D. 1697)
(C. "A" S-447)

An Act To Amend the Laws Governing Employees of the Workers' Compensation Board
(H.P. 1222) (L.D. 1715)
(C. "A" H-761)

An Act To Accommodate Victims of Identity Theft
(H.P. 1274) (L.D. 1834)
(C. "A" H-759)

An Act To Expand Notification Requirements for Internal Control Inquiries Made by Nonstate Organizations
(H.P. 1302) (L.D. 1862)
(C. "A" H-760)

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

Resolves

Resolve, Directing the Department of Professional and Financial Regulation To Study Prescription Drug Labeling Requirements
(H.P. 1267) (L.D. 1827)
(C. "A" H-763)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 7, 2006, 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 (11) **Ought to Pass as Amended by Committee Amendment "A" (H-784)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-785)** - Committee on **MARINE RESOURCES** on Bill "An Act To Improve Water Monitoring at Clam Flats" (EMERGENCY)
(H.P. 1268) (L.D. 1828)

TABLED - March 7, 2006 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-784)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 14, 2006.

CONSENT CALENDAR

First Day

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

(H.P. 597) (L.D. 846) Bill "An Act To Prevent Discrimination against Persons without Health Insurance" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-816)**

(H.P. 1096) (L.D. 1555) Bill "An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and

Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-815)**

(H.P. 1214) (L.D. 1707) Resolve, Directing the Commissioner of Health and Human Services To Develop Strategies To Keep Senior Citizens Safe from Falls Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-814)**

(H.P. 1292) (L.D. 1852) Bill "An Act To Amend the Laws Governing Permanency Guardians" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-817)**

(H.P. 1327) (L.D. 1887) Bill "An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-813)**

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

SENATE PAPERS

The following Joint Order: (S.P. 801) ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 14, 2006, at 10:00 in the morning.

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

Pursuant to his authority under House Rule 201.1 (H), the Chair appointed Representative CUMMINGS of Portland to serve as Speaker Pro Tem when the House reconvenes at the sound of the bell.

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

The House recessed until the Sound of the Bell.

(After Recess)

Representative CUMMINGS of Portland assumed the Chair. The House was called to order by the Speaker Pro Tem.

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

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

**CONSENT CALENDAR
First Day**

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

(S.P. 776) (L.D. 2013) Resolve, Regarding a Monument for Women Veterans of Maine (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 661) (L.D. 1744) Bill "An Act To Create the Washburn Water and Sewer District" Committee on **UTILITIES AND**

ENERGY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-476)**

(S.P. 749) (L.D. 1952) Bill "An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-479)**

(S.P. 752) (L.D. 1958) Bill "An Act To Create a Children's Education Advocate" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-475)**

(S.P. 765) (L.D. 1984) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-480)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-812)** on Bill "An Act To Enact the Tax Fairness Act"

(H.P. 359) (L.D. 484)

Signed:

Senators:

STRIMLING of Cumberland

PERRY of Penobscot

Representatives:

CLARK of Millinocket

WOODBURY of Yarmouth

HUTTON of Bowdoinham

WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

CLOUGH of Scarborough

SEAVEY of Kennebunkport

READ.

Representative WOODBURY of Yarmouth 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.

Eleven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-818)** on Bill "An Act To Improve Substance Abuse Rehabilitation Services"

(H.P. 1315) (L.D. 1875)

Signed:

Senators:

MAYO of Sagadahoc

MARTIN of Aroostook

ROSEN of Hancock
Representatives:
PINGREE of North Haven
GROSE of Woolwich
BURNS of Berwick
MILLER of Somerville
WEBSTER of Freeport
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-819)** on same Bill.

Signed:
Representative:
GLYNN of South Portland

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

Signed:
Representative:

WALCOTT of Lewiston
Representative SOCKALEXIS of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-818)**.

READ.

On motion of Representative PINGREE of North Haven Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-818)** was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to point out a few things about the Majority Report and some concerns that I have had regarding this issue. The issue of dealing with the location and the placement of outpatient methadone clinics is nothing new to the Health and Human Services Committee, in fact, it has been back several times. I can tell you that the Majority Report in front of you will not solve the problem. It, in itself, is not the solution at all. What we have been having is that a number of legislators have been putting in bills with a great amount of concern that outpatient methadone clinics are going to be located at inappropriate places in their community. I think that it is very important to note that I never heard anybody say that we don't want an outpatient methadone clinic in our community. What the concern is is local involvement, local participation and appropriate placement. I can tell you that the experiences of the outpatient methadone clinic in South Portland have not been positive. We have had a lot of problems. Some of the biggest drug deals that go down in our city go down out in the parking lot of this establishment. We have had reports of crimes committed that were, in fact, not reported by the methadone clinic to the local police department. We actually had someone representing the methadone clinic in my community testify in front of Health and Human Services and state as much, that there was a crime that he was aware of that was committed at the establishment and they did not report it to the police.

What locals have done is that they have come forward and said that they want greater say in the placement of these clinics to make sure that they are appropriate in the community. What is happening is that as these laws all come together any place that you have a business district or business place in your community you can have an outpatient methadone clinic. And, while it is appropriate to have substance abuse treatment – and I favor substance abuse treatment and I favor quality facilities – you also

have to take a look at the neighborhood that they are placed in and local city councils and boards of selectmen and boards of aldermen understand these issues and understand the appropriateness of having local say in it.

What I put forward for a solution as the Minority Report is essentially taking a look at involving locals. Right now, all we are talking about is taking the public input of folks but not giving them any local decision making authority.

The locals do a very good job at appropriate placement and zoning. I have never heard anybody say that they didn't want one of these facilities in their community; what they have said is that they want them placed appropriately and we want local partnering between the local establishments and local partnering between the local police departments and partnering with the local board of selectmen and aldermen. These are all things that are so important and what is going to happen that because the Health and Human Services Committee has not involved, with direct say, local officials, this bill will be back again and again and again and again until we involve locals. Those are all concerns that I think you should be aware of.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: This is a bill that was brought forward by the good Representative from Waterford, Representative Millett, and this is probably, in this legislative session, the third or fourth bill that we have seen on methadone clinics. There were some very good bills that came forward last year resulting from some concerns of the cities of Rockland and Bangor.

As a result of the bills last year, we put forward a number of different initiatives which require the department that deals with substance abuse to undertake rule making to have a much better public input process where there is better notification of local communities, better involvement and that there are advisory boards that involve local communities. This bill goes a step further and was negotiated by Representative Millett with the office of substance abuse and with members of our committee and goes a step further. The rules that we worked on last year are just going into effect, so some of the concerns that the Representative from South Portland brought up are concerns that we have heard and that we have acted on and they are going into effect as we speak.

This bill goes just a little bit further. The Majority Report, Committee Amendment "A", requires continued public input at the relicensing process, it requires better counseling and more counseling of people who are in methadone clinics because there are concerns about that, but I think this bill wound up being a good compromise. The Minority Report, which the good Representative from South Portland spoke to, puts opiate treatment program approval on par with liquor license approval.

I think that we in the State of Maine know that we have substance abuse issues. We especially have substance abuse issue when it comes to opiates. When people using heroine, OxyContin and other things and are trying to get rid of their addiction methadone is still the most proven and most useful way to treat them. There are a lot of concerns around methadone and I know that we have discussed those in the Legislature but this is an important form of substance abuse work that we need in our communities. Communities are very fearful. They have a lot concerns about methadone, but barring them from our communities will not solve the problem of substance abuse. I think that the minority report goes too far and I urge you to adopt the compromise that we worked on and Representative Millett worked very hard on and I urge you take this action. Thank you Mr. Speaker.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was Representative Millett's bill and he we have certainly done a lot of work on it ourselves, to the satisfaction of him and the people from his district and I just want to make a motion that we should vote Ought Not to Pass. Thank you.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I would concur with the comments of the last two speakers. The House Chair has very eloquently summarized the interests that I had from the beginning and the work that we did within committee. I recognize what the Representative from South Portland, Representative Glynn is interested in doing because of the presence of a methadone or opiate treating clinic in his own community. However, the amendment that is before us, House Amendment "A" (H-18) is, I think, the compromise that is acceptable not only to the region I represent, but I think also to the Office of Substance Abuse and I would say that we worked closely with them. It attempts to say that for these clinics to work well they must be strategically located, supported by the local citizenry, clearly seen as needed by the office of substance abuse and have a focus on the individuals actual rehabilitation and not simply a maintenance kind of approach.

The three issues that are addressed in my amendment, which the committee endorsed in the Majority Report, will assure that there is a needs assessment at the beginning, that there is a counseling commitment during the course of treatment, and that the relicensing process will involve much more public participation than has been the case in the past. I appreciate the work of the committee and I would also say that I appreciate the support of the Majority Whip, Representative Duplessie, who allowed me to get this bill introduced back in the fall. It is a response to a local issue and I very much appreciate the work of the committee and of the Legislature in giving me this resolution. Thank you.

The Chair ordered a division on **ADOPTION of Committee Amendment "A" (H-818)**.

A vote of the House was taken. 118 voted in favor of the same and 3 against, and accordingly **Committee Amendment "A" (H-818)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 14, 2006.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 7, 2006, 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 (7) Ought to Pass as Amended by Committee Amendment "A" (H-806) - Minority (6) Ought Not to Pass - Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act To Allow Smelt Dipping in Long Lake in Arrostook County"

(H.P. 1253) (L.D. 1813)

TABLED - March 7, 2006 (Till Later Today) by Representative WATSON of Bath.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask you to defeat this pending motion and to defeat this bill. It is a bill that should have been defeated a long time ago.

First, I would like to tell you the history of this bill. This bill isn't a bill that was put before this Legislature. It was a bill that was put before the previous Legislature. When this bill came to our committee, it was to allow smelting to be legal on this lake, something that had been illegal for a long time and our committee, Inland Fisheries and Wildlife, voted unanimously to kill this bill as an Ought Not to Pass. What happened was that the sponsor of the bill came back a few weeks later and we reconsidered the bill and the bill was passed down party lines. That was the beginning of a disturbing trend in our Inland Fisheries and Wildlife Committee. It began the road into partisanship and, as the longest serving member on that committee; I think it is a sad day.

I would like to give you a little bit of the background of the testimony by the folks that attended the public hearing on this bill this year. Sixty folks from the area signed a petition against this bill and the town manager from St. Agatha sent us a letter against this bill. The Department of Inland Fisheries and Wildlife testified against this bill and, again, it went down party lines.

The department, Inland Fisheries and Wildlife, has a long history, and a very proud history, of protecting resources in this state. Its mission, as defined on the Inland Fisheries and Wildlife site says this: "[The Department of Inland Fisheries and Wildlife] remains focused on the protection and enhancement of the state's inland fisheries and wildlife, while at the same time providing for the wise use of these resources. Assuring the conservation and use of these resources is vital to the state's economy. Fish and wildlife continue to be highly valued by Maine people and hundreds of thousands of people," across Maine. A value of over ½ million dollars annually brought in by the resources of our Inland Fisheries and Wildlife waters and forests.

I think that the committee members in the past have dedicated themselves to the protection of this wildlife and our natural resources. Unfortunately, this committee has taken the wrong road, I believe. I am rising today to put my hand up in the air and say, "Stop, it has gone too far." We have had issues come before us, and this probably isn't a big one in the scheme of things, it is just allowing a little bit of smelting on a small stream, but we have had big issues come before our committee and they have been ugly and partisan. It saddens me deeply as a legislator, especially on this committee. So, I am asking this Legislature to say, "No, we are not going down this road any further," and to defeat this bill.

Inland Fisheries and Wildlife biologists are the people that I listen to. When they testify before our committee and say that this is the wrong thing to do, it holds great sway with me and should with you. But, in this case, they were ignored and I believe that they were ignored because one person wanted to deliver for their community. Granted, that goes on here every single day, but not in committees that protect our natural resources. We sometimes have to draw a line in the sand and say that we have gone too far, and this is one time that we have gone too far. I say that we defeat this bill and we defeat it because of the reasons that I have described. But I would like to say to the Inland Fisheries and Wildlife Committee members, in the future, please take a deep breath and recognize what your responsibilities are. They are to protect the resources of this state and as much as we would all like to deliver for our fellow legislators, sometimes we just can't. I have lost track of how many times I have had to say to my fellow Republicans that I am sorry and that I will have to oppose them because I don't want to

harm the resource. I ask you to do the same thing. Mr. Speaker, when the vote is taken I request a roll call.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am the sponsor of this bill and I would like to explain it to you and give you a little bit of the history that might expand a little bit on what the Representative from Waldoboro had to tell you.

Dipping smelt is something that was traditional and customary up in northern Maine where, for a week or two each year, after the ice goes out on our lakes and particularly Long Lake, the smelt run up the brooks to spawn and people would dip them. The amount of dipping was cut down over the years and in the 1980s Fish and Game were concerned about the salmon population in the lake and they wanted to cut the smelting down.

The theory of our Fish and Game Department is that smelts are there for the salmon. The salmon is a sport fish and the smelt are there for the benefit of the salmon. Of course the people living up in northern Maine traditionally view the smelt as being a food source. They would go get some smelts and have a meal or two and enjoy the occasion of going with their family, having fishing licenses and bringing in a few quarts of smelts. This is part of our fisheries, this is part of our sporting experience and this is part of being in Maine, letting people harvest the produce from our own woods and our own lakes.

For some reason, the Fish and Game Department adopted the view that smelt are only going to be used as feed for salmon. We feel that it is just as important that there be a few quarts made available to people up in northern Maine so that they can have a meal of smelts themselves.

Now, when this bill was passed three years ago there was a sunset put on it because Fish and Game had grave concerns about the salmon fishery taking a disastrous turn if the bill passed. The smelt population would be drastically reduced and the salmon population would be drastically reduced and so we put a two-year sunset on it. What happened? The salmon thrived over the two years that there has been dipping and the smelt have thrived. There have been no disastrous consequences.

Let me suggest to you that this is not a partisan issue in my neck of the woods. The main proponent who has been pushing the hardest to get smelt fishing reopened so that he and his grandchildren can go is a Republican and I can assure you that the smelts that are taken are eaten by Republicans and Democrats alike. So, it is not partisan and there aren't Republican smelt and Democrat smelt or anything like that. What we are dealing with is telling the people of Maine that if they have a resource in their back yard than yes, they can dip in and take a little bit too. That is what we are asking to do.

In order to achieve a compromise we reduced the area for taking drastically. The initial bill included three streams in Township 17 Range 3, that includes part of Long Lake. Now, Long Lake, for those of you who haven't been there, is a lake that is about 9 miles long and has probably eight, nine or ten different streams, all of which have smelts. So, the original bill for two or three years ago covered three streams. This bill reduces it to one stream. The smaller streams are now excluded and what is now open is Mud Brook, a wide deep stream and there is no problem with regard to degradation by people walking through that stream, they won't be able to get through it, particularly, not in the spring.

One of the interesting things about the department's policy about smelts in northern Maine is that for years they denied going and taking the smelt eggs out of Long Lake and transporting them to other lakes throughout the state and finally at the last hearing they conceded that long lake is a donor lake. That's fine, we don't mind giving smelt eggs to other parts of the state, but what we are asking here is to let people who have fishing licenses for them and for their kids to go there, dip out a couple of quarts of smelt so they and their family can have a little smelt feed and enjoy the produce of the woods and lakes near which they live. I ask you to support this; it is not a partisan issue. It is a people issue. Take care of the people of Maine. Thank you.

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

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. After two terms in this body I thought I was inert to all surprises. I am surprised today. Ladies and Gentlemen of the House, I must assure you that Inland Fisheries and Wildlife and most of the decisions reached there are reached on a non-partisan basis and the only attempt to make this bill partisan was just introduced to you a few moments ago by my colleague the Representative from Waldoboro.

This bill was a reasonable compromise with people who live around this lake and that have traditionally dipped smelt there all of their lives, who have faced a twenty-year prohibition from dipping smelt there – from 1983 up until we looked at the issue last session – and who came in asking us to allow them to continue dipping smelt in three streams on a nine mile lake. Long Lake is a lake that is a classic salmon lake. It has some extraordinary landlocked salmon and always has. Landlocked Salmon, as you know, subsist primarily on the smelt as a forage fish. The lake also has an abundant supply of smelts that is so abundant that the department has been transferring those eggs to other less fortunate bodies of water around the state. They wanted three brooks, two of which cross through private land and brooks that are capable of being waded. Waders destroy many of the salmon eggs that are deposited during the short spawning season.

The committee listened to the department, listened to the natives of that area, who sent up a long petition with a number of signatures asking to be allowed to continue smelting there, and struck a reasonable compromise. The one brook that is the subject of this compromise because of the committee amendment is Mud Brook. It is too deep and too fast to wade. It passes through property that is open to the public. It has a good access road nearby and it doesn't go through private property. The people who go there and smelt, as you know at night generally, during the very short week to week and a half season, can do so with their families and enjoy it without causing any problems for surrounding neighbors or for any other property and without significantly reducing the smelt population. But to continue to monitor the situation we placed another two year sunset on it. The issue is a reasonable compromise between those natives seeking access to their own home waters and the department, which seeks to protect and to preserve resources that available to the entire State of Maine. A reasonable compromise is not a partisan issue. This wasn't fought out on a partisan basis and wasn't a partisan issue until, as you may recall, a few moments ago. I encourage you to support this motion as a reasonable compromise between those who are used to traditional access and others who desire to make a partisan issue out of one that isn't. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have my file in front of me that I asked for from our OPLA committee staff to deliver to me and we do have a petition in that file and unless I missed it, and I don't mean to disrespect the committee chair, but the only petition that I can find is the one in opposition to this signed by sixty people from the community and I will read the title of the petition. "We the Undersigned, Citizens of Aroostook County Are Opposed to LD 1813 'An act to Allow Smelt Dipping in Long Lake and Aroostook County'."

I wanted to stand up and also read from the Inland Fisheries and Wildlife Commissioner's testimony, when he talked about some of these folks that just want to go down and get a mess of smelts out of Long Lake, "Although only a few smelt brooks are open to dipping, approximately 23 individuals were issued summons for smelt violations in 2004 on Long Lake. Most of the violations were for taking between and 1 and 23 smelts over the limit. 23 smelts is a five-gallon bucket. It isn't as romantic as some people would like it to be. It is partisan, and I will tell you why. It is not partisan because of my actions today, because my actions today are genuine. I want to put the brakes on where this committee is going. We have seen some really ugly things in our committee including putting issues like Sunday hunting and non-residents on the first day of hunting season into a budget that had never occurred in the past. I served with great chairs and they were Democrats, but I am proud to say that I served with them – Marge Kilkelly, and our current Secretary of State, Matthew Dunlap. They were great leaders in this area and I am proud to say that. That is not partisan ladies and gentlemen, that is just experience telling you when you are proud to serve on a committee with fellow Democrats. The day it became partisan was the day that this was reconsidered and seven Democrats came in and switched their votes on an issue that they had looked at, paid attention to, listened to the testimony on and voted their conscience. That was the day when this turned partisan.

Thankfully, at this moment, my political career is coming to an end and I won't be back here next time around. The only reason I stood here today was to bring this to your attention. That is the only thing we can do as legislators some times is to scream loudly and get peoples attention and say that this shouldn't go on.

You are going to have other issues coming before us later that have gone down this same road. I won't stand up and tell you that I told you so, but just remember when they come before us what the votes on these things are and the issues behind them. Thank you.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise because I don't think that this is a partisan issue. I think that, to me, it sounds like an issue of politics versus one of science and resource management.

In rising, I want to note that I have spent the majority of my life in the marine resources area; I have been an advocate for commercial fishermen for thirty years and I have been a commercial fisherman myself and what I am seeing happen in the marine world is the same thing that seems to be happening in this bill. Decisions are being made based on politics and setting the science aside. If this Legislature goes down that road, I don't care if you are an R or a D or if you eat smelts or don't eat smelts, we are making a mistake when we make these decisions based on politics and not on science and that is why I rise today,

because what little I know about this issue is how you highlight it. We don't stand here and rake each other over the coals for the next three or four weeks till we get out of here about who is an R and who is a D. We have to make these decisions based on science, and in time, the fisherman and the resource will benefit from those decisions, but if we sit back and allow these decisions to be made on politics, particularly after a bill has been reconsidered based on the science and the votes change, we make a grave mistake so I encourage you to defeat this motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that one of the confusing things about this bill, or at least what we are talking about today, referring back to reconsideration is that reconsideration was three years ago. I don't know what happened at that time, but what I think I remember is that at that time there were signatures that were brought in supporting letting smelting open back up and there were somewhere from 400 to 600 signatures at that time. So, the argument that there are 60 signatures saying no this time seems to be kind of a wash. Also, the good Representative from Winterport talked about the science and I guess that to some degree he is right on that, but what I heard from the biologists was that they didn't know at this point if there was any effect to the lake, good or bad after two years, so that is why we went with another sunset, but I do remember very strongly hearing Mr. Borque say that they couldn't tell at this time that there was any damage to the lake for allowing this for the last two years.

Another thing that I heard from Mr. Borque that really kind of floored me and the only reason that I didn't respond to it in committee because I was so impressed with him bringing it out it seemed like something that, at least to me, had been kept hidden for a while, was the fact that Long Lake has become a donor lake in that area for smelts. Now, I remember my first year down here and Commissioner Marden – I love Danny very, very much and get along with him very well, but we disagree on a lot of Inland Fisheries and Wildlife issues – came to Fort Kent and held a public hearing on fishing issues and one of the biologists that he brought with him at the time was asked the question, "Does the Department takes eggs from other lakes?" And, they said, "absolutely not. We do not do that." He was questioned on it more than once. Well that day Mr. Borque came out with something that I have heard for the first time since I have been here and that was that the department does take eggs from lakes that they feel will not be harmed and take them to other lakes in the area. My question is, how can IF & W stand there and say that local people shouldn't have the opportunity to do some smelting – I agree that there will always be someone who will break the law regardless of what issue it is – but how can they say that law abiding people can't do any smelting yet they can take them and go to another lake somewhere else in Maine? I find that incredibly hard to understand.

I was actually flooded with emails about it and every email that I got I said, "Are you from Aroostook County?" and they all came back, "No." I just felt that this was what was driving this bill more than anything. We talk about local use and local access and here is a group of people from away, from all of these institutes that I have never heard of, saying that the people in Aroostook County – there was one gentleman who actually said that the reason why you don't hear any complaints is because of the way people in Aroostook County are, that you will find your camp in ashes the next morning. That is the type of regard these people had for that and more than that, honestly, I have been on

IF & W now for my second year and I have enjoyed all the people on the committee, but I don't agree with most of the policies of the department and think that we have taken away a lot of the things that people used to have. They have a tally of bigger fish, regardless of what happens to the traditional access.

Everything that I heard supported that there was nothing being done that would hurt the lake. They came to a compromise and actually reduced two of the brooks so, there is no problem in Long Lake. Long Lake will survive if we allow some more people to smelt for a couple more years and in the next session the department should have more data to find out if there has been any ill effect and we can resolve it at that time. Please support the Majority Ought to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative FLOOD: Mr. Speaker, May I pose a question through the Chair?

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

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is, in the final analysis as the reports came out of the committee, did the Department of Inland Fisheries and Wildlife agree to the Majority Report?

The SPEAKER PRO TEM: The Representative from Winthrop, Representative Flood has posed a question through the Chair to the Representative from Waldoboro, Representative Trahan. The Chair recognizes that Representative.

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The answer to that is no.

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

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative's question, the department did not change its position. It still did not support this bill, on the other hand, it did agree that reducing the number of brooks from 3 to 1 and Mud Brook in particular, would make the enforcement problem much easier to handle. They also agreed that it would not significantly reduce the smelt population to allow a two-quart minimum with a heavy restriction on any commercial take out of that brook. The fact that the department, in fact, did not turn around and acquiesce to it really bore no relevance on the fact that they supported the compromise. 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.

ROLL CALL NO. 373

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

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

Davis G, Davis K, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Barstow, Cain, Emery, Goldman, Hotham, Marraché, McFadden, Nutting, Ott.

Yes, 79; No, 63; Absent, 9; Excused, 0.

79 having voted in the affirmative and 63 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-806) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, March 14, 2006.

REPORTS OF COMMITTEE

Refer to the Committee on Criminal Justice and Public Safety

Pursuant to Resolve

Report of the Task Force to Study Maine's Homeland Security Needs on Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters " (EMERGENCY)

(S.P. 789) (L.D. 2044)

Reporting that it be REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY pursuant to Resolve 2005, chapter 126.

Came from the Senate with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY in concurrence.

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

On motion of Representative MERRILL of Appleton, the House adjourned at 12:55 p.m., until 10:00 a.m., Tuesday, March 14, 2006, pursuant to the Joint Order (S.P. 801) and in honor and lasting tribute to United States Army Specialist Joshua Humble, of Appleton and Martin "Greg" Curtis, of Avon.