

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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May 26, 2005 – June 17, 2005

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
26th Legislative Day
Wednesday, March 22, 2006

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

Prayer by Father Sylvio Levesque, Hallowell (retired).

National Anthem by Melanie Saucier, Fort Kent Elementary School.

Pledge of Allegiance.

Doctor of the day, Michael Lambke, M.D., Skowhegan.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 418)

**UNIVERSITY OF SOUTHERN MAINE
CENTER FOR EDUCATION POLICY,
APPLIED RESEARCH & EVALUATION
99 SCHOOL STREET
GORHAM, ME 04038**

March 16, 2006

Speaker John Richardson
Maine House of Representatives
2 State House Station
Augusta, ME 04333

Dear Speaker Richardson,

The Maine State Legislature requested the Maine Education Policy Research Institute, University of Southern Maine Office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled *The Condition of K-12 Public Education in Maine 2006*.

We would like to provide you and your staff with copies of the book for use in your daily deliberations. We hope you will find the information broad yet focused on the many aspects of K-12 public education.

Sincerely,
S/David L. Silvernail
Director
S/Paula B. Gravelle
Research Analyst

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 813)

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

February 15, 2006

The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Utilities and Energy from its review and evaluation of the Office of the Public Advocate under the Government Evaluation

Act. The Committee found that the Office of the Public Advocate is operating within its statutory authority.

Sincerely,
S/Senator Philip L. Bartlett II
Senate Chair
S/Representative Lawrence Bliss
House Chair

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE.**

READ and with accompanying papers **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 814)

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

March 14, 2006

The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker:

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

Sincerely,
S/Senator Ethan K. Strimling
Senate Chair
S/Representative William J. Smith
House Chair

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE.**

READ and with accompanying papers **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.C. 550)

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

March 21, 2006

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 Agriculture, Conservation and Forestry, the nomination of Seth Bradstreet III of Newport for appointment as the Commissioner of the Department of Agriculture, Food and Rural Resources.

Upon the recommendation of the Committee on Natural Resources, the nomination of Richard A. Gould of Greenville for appointment to the Board of Environmental Protection.

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

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative PARADIS of Frenchville, the following Joint Resolution: (H.P. 1478) (Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: CLARK of Millinocket, MARRACHÉ of Waterville, PILON of Saco, SMITH of Van Buren, TWOMEY of Biddeford, Senators: BROMLEY of Cumberland, MARTIN of Aroostook, PLOWMAN of Penobscot)

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

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

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

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

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

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

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

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

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

Résolu, que nous, les membres de la Cent-Vingt-deuxième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 22 mars, 2006 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

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

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

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

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

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

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

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

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

RESOLVED: That We, the members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, proclaim that Wednesday, March 22, 2006 is Franco-American Day, to be celebrated at the State Capitol; and be it further

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

READ.

The SPEAKER PRO TEM: La Président reconnaît le Député de Frankfort, Député Lindell. The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Merci Monsieur Speaker. Monsieur Speaker, mesdames et messieurs de la Maison.

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

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

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

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

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

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

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

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

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

Résolu, que nous, les membres de la Cent-Vingt-deuxième Législature, assemblés dans la deuxième session régulière, au

nom des gens que nous représentons, proclamons que mercredi, 22 mars, 2006 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

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

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

On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 1480)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill to address eating disorders.

READ and PASSED.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

The Kennebec Company, of Bath, on its being chosen for the October issue of *This Old House*, the magazine affiliated with the award-winning show of the same name, as "one of the best building pros" in the country. The Kennebec Company joins an elite group of artisans recommended by the staff of the television show and was recognized for its "period-inspired" cabinetry work. The company specializes in building kitchens for older houses undergoing restoration. Founded in 1974 by Dave Leonard, who is now semi-retired, and co-owned by Jeffrey Peavey, the company has more than 40 employees, including 28 cabinetmakers and 12 designers. We extend our congratulations to The Kennebec Company on its receiving this extraordinary honor and we send them our best wishes for future success;

(HLS 1550)

Presented by Representative WATSON of Bath.
Cosponsored by Senator MAYO of Sagadahoc, Representative GROSE of Woolwich.

On **OBJECTION** of Representative WATSON of Bath, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: La Président reconnaît le Député de Bath, Député Watson. The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have all used the adage that small business forms the backbone of the Maine economy. There is no truer example than this young company in Bath, the Kennebec Company. It is the national leader in the design and crafting of custom period cabinetry. The company is run by co-owners Jeff Peavey and Dave Leonard. Jeff Peavey you might remember, his wife Judy was a four-term legislator and Mr. Leonard was a two-term legislator from Woolwich. They employ 40 people between their design offices in the Old Customs House in Bath and their manufacturing facility at the Wing Farm Business Park just outside of town.

Two key factors of the Kennebec Company's success are the unique blend of experienced architectural designers and cabinet makers who hand craft and hand finish custom period cabinetry and secondly a level of quality in customer service that is unsurpassed in the cabinet industry. The Kennebec Company

has delivered the finest Maine made cabinetry throughout the country, in Maine, New England and every state in this country.

In October of last year *This Old House Magazine*, the most respected national publication concerning home restoration, published a list of the 40 best contractors in the nation and named the Kennebec Company as the best cabinet making company on the list. Now, *This Old House* is familiar with the Kennebec Company as you might be because that company has been selected by them four times to participate in the PBS television show of the same name. I am proud today to commend the Kennebec Company for its fine record, its high employment, its good business sense and its expression of the basis of Maine's economy, small business. Thank you, Mr. Speaker.

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

Recognizing:

the Old Town High School United States Army Junior Reserve Officers' Training Corps (JROTC) program, which has achieved the status of Honor Unit with Distinction, the highest unit award in the United States Army JROTC program, upon completion of its first Annual Formal Inspection. The JROTC program teaches cadets good citizenship through community involvement; to communicate using verbal, non-verbal, visual and written techniques; to take responsibility for actions and choices; to treat self and others with respect; and how to apply critical thinking techniques. The Old Town JROTC is led by retired Lieutenant Colonel Amedeo J. Lauria, and he and the cadets have spent the past three and a half years working hard to ensure they would all be ready for this inspection. The inspection was conducted by 2 officers from Area Command Dix located at Fort Dix, New Jersey. The cadets were evaluated as a full battalion and also in individual areas. The unit received high marks in individual inspection, the color guard and drill team performances and the Unit Status briefing and received commendation from the inspection team on 4 of the 5 staff areas. The receipt of this standing represents years of dedication and commitment and is truly a significant accomplishment. We extend our congratulations to the instructors and the cadets, and to all those involved in this honor. We send them our best wishes for continued success;

(HLS 1736)

Presented by Representative LANSLEY of Sabattus.
Cosponsored by Senator SCHNEIDER of Penobscot, Representative BLANCHARD of Old Town.

On **OBJECTION** of Representative LANSLEY of Sabattus, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: La Président reconnaît le Député de Sabattus, Député Lansley. The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This honor is really no surprise for me. Colonel Lauria is extremely dedicated and he travels every day from Sabattus, two hours up and two hours back and puts into this program his heart and his life and it shows in these fine young citizens of Maine. These folks are just absolutely incredible. Some of the cadets, Daniel Wheaton has been accepted to the US Naval Academy and also has been offered a four year scholarship at Maine Maritime. Jeffery Dow has been offered an appointment West Point and received a four-year Naval ROTC scholarship. Forest Bush is undecided between the US Naval Academy and the US Air Force Academy

and also was accepted at the US Coast Guard Academy and the U.S. Military Academy at West Point. So this is no small achievement that they have had. Also here the Battalion Commander, Lt. Colonel Jeffery Dow, Alpha Company Commander, Captain Ryann Grant, Bravo Company Commander, Captain Brendan Paradis. If you get a chance to meet these folks they are incredible. I just wanted to stand and honor them. They do an excellent job and the commitment that the staff has shown to the program and to these kids is absolutely incredible. Thank you, Mr. Speaker.

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

Recognizing:

Melanie Dorice Saucier, of Fort Kent, who at the age of 10 has already thrilled thousands of people with her exceptional voice and charming personality. She has garnered rave reviews at special events, radiothons, telethons, festivals, concerts and benefit appearances as well as in church choirs throughout Maine and the other New England states and the Maritime Provinces and Quebec in neighboring Canada. She has often won the top prize in musical contests in Canada where few Americans have appeared, let alone win. Her ever-expanding repertoire includes not only traditional French, Canadian and Franco-American songs, but also songs in Latin and Italian. She has sung the American national anthem in French and English in both the House and Senate for 5 successive years, starting on her 6th birthday. Her melodious voice has graced the annual Franco-American Day through her solo concerts under the Rotunda, providing a peaceful respite during an often hectic day. She has many friends and fans at the Capitol who have been intently following her promising career. This bilingual musical prodigy has already sung with her favorite international group, Sweet People, when on tour in Canada and has accepted their invitation to sing with them in their native Switzerland. She will travel to Las Vegas with her parents to meet with Celine Dion, her favorite female singer. In the fall of 2004, Melanie launched her first CD, entitled "Crossing Borders." We wish Melanie success in her future endeavors;

(HLS 1749)

Presented by Representative PARADIS of Frenchville.

Cosponsored by Senator MARTIN of Aroostook, Representative JACKSON of Allagash, Representative SMITH of Van Buren.

On **OBJECTION** of Representative DUDLEY of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: La Président reconnaît le Député de Portland, Député Dudley. The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Pour la moitié de sa vie, Melanie Saucier est venue nous entretenir ici à la Législature du Maine. For six straight years Melanie has entertained here at the State House. Elle s'est fait beaucoup d'amis avec sa voix exceptionnelle et son charme personnel. She has made many friends with her exceptional voice and flexibility as a singer. Chaque semaine quelqu'un demande si la jeune fille de la Vallée St. Jean reviendra changer l'hymne national. Almost every week someone asks if the little girl from the St. John Valley is returning to sing the national anthem. Millie McFarland, our Clerk of the House, is one of her biggest fans.

Il ya beaucoup de gens qui considère Mélanie un miracle medical. Many people consider her a miracle baby. Née prématurément, elle a lutté pour la vie au Centre Medical de, leEst du Maine à Bangor. On lui donnait pas beaucoup de

chance a survivre. Born prematurely she was not given much of a chance to survive.

Quelle belle surprise! Melanie n'apas seulement survécu, elle a grandi en pleine santé. Elle est très intelligente, douée, et personable. Surprise of Surprises! Not only has Melanie survived, she has thrived. She is healthy, very intelligent, personable and, as we all know, exceptionally musically gifted. Sa voix mélodieuse l'a lancée sur la scène international. Elle a déjà chanté avec Alain Morisod et Sweet People de la Suisse. Elle va se reconstruire avec Celine Dion à Las Vegas le mois prochain. She has already become an international star, singing twice with Alain Morisod and the Sweet People of Switzerland and is slated to meet with Celine Dion in Las Vegas next month.

Malgré son étoile montante, Mélanie a su maintenir l'équilibre dans sa vie. She remains a very balanced and sensitive young girl. When Representative Paradis' mother-in-law passed away a few years ago, she offered to sing at her funeral – "for my good friend Judy and her family," she said.

Melanie, on t'aime beaucoup!

Melanie, we love you!

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

Recognizing:

Corporal Richard Pelletier, Jr., of Madawaska, for his tireless advocacy and lobbying for veterans' rights. Corporal Pelletier is devoted to helping veterans by advising them of their potential benefits and helping them prepare claims. As American Legion Service Officer for American Legion Post No. 143 in Fort Kent, he has responded promptly and effectively to the needs of his fellow veterans by negotiating with state and federal bureaucracies. Last year, while perusing the Canadian news on the Internet, he discovered that Agents Orange, Purple and White had been sprayed in the past over the Canadian military post in Gagetown, New Brunswick, where the Maine National Guard has trained over the years. His findings prompted an investigation on the American side of the border. Corporal Pelletier served in the United States Marine Corps and the Maine Army National Guard in the 1970s. He sustained injuries while serving in the Marines. He has been awarded a Citation for Meritorious Service from the National Veterans Affairs and Rehabilitation Commission. He is a lifetime member of and van driver for the Disabled American Veterans, a hospice volunteer and a CCD teacher. Corporal Pelletier is the son of Richard and Claudine Pelletier and the father of Alan, Robin, Ritchie and Chantalle. We extend our appreciation to Corporal Pelletier for his commitment to the veterans of this State;

(HLS 1751)

Presented by Representative PARADIS of Frenchville.

Cosponsored by Senator MARTIN of Aroostook, Representative SMITH of Van Buren, Representative JACKSON of Allagash.

On **OBJECTION** of Representative DUDLEY of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: La Président reconnaît le Député de Portland, Député Dudley. The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Richard has committed his life to the military veterans who are too often forgotten by the very country they believe in, have fought for and bravely sacrificed much in defending America around the globe. Richard is one of the best advocates a former soldier can meet. He is completely focused, relentless, loyal and fearless in tackling federal or state bureaucracy in the quest for justice for America's veterans.

Richard nous a demontre un courage extraordinaire dans sa vie personnelle et dans sa mission de donner a nos veterans tous les soins qui leur faut. Il a suivi un accident terrible sur la route; sa voiture avait frapper un gros camion. Les deux jambres mal cases, on ne s'attendait pas a ce qu'il puissat marcher le reste de sa vie. Mais grace a un courage extraordinaire et une foi profonde, il a reappris a marcher. Richard has displayed extraordinary courage in his personal life and in his mission to find the veterans all the care they need. He suffered a terrible accident several years ago when his car hit a tractor-trailer. Both his legs were so terribly smashed that it was feared that he would never walk again, but through extraordinary courage and a deep faith he learned to walk again.

C'est ce meme courage qu'il apporte a sa grande lutte pour les veterans. That's the same courage that he brings to his battle for veterans rights.

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

Recognizing:

Alcee and Cecile Vigue, of Waterville, on their induction into the Franco-American Hall of Fame. Mr. and Mrs. Vigue have worked to support the French Reacquisition Project in Waterville and have been featured in the documentary film, "Waking Up French," by Maine filmmaker Ben Levine. They have been involved members of the Franco-American Heritage Society of the Kennebec Valley, helping out on guided tours of the "Museum in the Streets," with schools and visitors. Mr. Vigue is involved with the "Bavards," who meet every Saturday morning to help those who are reclaiming their native French or learning it for the first time. The Vigues have hosted several French language gatherings in their home and enjoy all things French. Both husband and wife emigrated from Canada to the United States in the 1930s and Mr. Vigue served in the United States Navy from 1943 to 1945 and saw action at the battles of Iwo Jima and Okinawa on a destroyer built in Bath. One of his fondest memories was witnessing the raising of the American flag on Iwo Jima. After the war, Mr. Vigue worked at Keyes Fiber for 44 years. Since his retirement in 1985, he has been cooking at the Sacred Heart Soup Kitchen and has been a scout master and commander of his American Legion post. Mrs. Vigue attended Notre Dame Parochial School and later received her high school diploma through the Waterville Adult Education program. She is an accomplished cook and seamstress and does beautiful handiwork for her family and for donations to children's charities. She is active in the community, including the Ladies of St. Anne Sodality, where she served as president, and Maine General Hospital, where she served as a volunteer. We extend our congratulations to Mr. and Mrs. Vigue on their induction into the Franco-American Hall of Fame and we send them our best wishes;

(HLS 1752)

Presented by Representative MARRACHÉ of Waterville. Cosponsored by Senator GAGNON of Kennebec, Representative CANAVAN of Waterville, Representative PARADIS of Frenchville.

On **OBJECTION** of Representative MARRACHÉ of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: La Président reconnaît le Député de Waterville, Député Marraché. The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHÉ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House.

Malgré leur âge assez avancée, Alcée et Cecile Vigue ont retenu une certaine jeunesse, celle qui vient d'un optimisme illimité et d'un espoir en e monde meilleur. Despite their relatively advance age, the Vigues have retained a certain youth, one that emanates from an optimism without limits and a hope in a better world.

Bien qu'ils aient pris leur retrait de leur carrières respectives, ce beau couple de Waterville est toujours bien impliqué dans la vie de Waterville, surtout dans les milieux francophones de cette ville qui avaient avée anciennement beaucoup de gens qui parlaient français couramment. Although they have both retired from their respective careers, this imposing couple from Waterville is always very involved in the life of their city, especially in Franco-American circles in a city that once boasted many people who spoke French fluently.

Leur défi est tout simplement de créer une renaissance de la langue et de la culture française. C'est pour ça qu'on les voit un peu partout à Waterville et ses enveeron, donnant leur tout pour leur cose supreme. Their challenge is simply to bring about a renaissance of the French language and culture. That's why they can be seen everywhere in Waterville and the surrounding areas giving all they can for their great cause.

Quel bel exemple qu'il donnent aux jeunes qui veul reclamer leur culture et leur langue ancestrale! Ils inspireere aussi les autres gens ages de faire confiance aux jeunes et de jouer un role active dans le renouvellement de leur histoire et le retour aux seches. What a beautiful example they give to young people who want to reclaim their culture and ancestral language. They also inspire other elderly people to believe in the younger generations and to play an active role in the revival of one's history and the return to solid roots.

Acee et Cecile, on vous admeere et on vous aiment beaucoup. We love you. Congratulations!

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

Recognizing:

Anne L. Roy, of Van Buren, on her induction into the Franco-American Hall of Fame. Mrs. Roy has been a remarkable force for the preservation of the French-Acadian heritage of the St. John Valley and the rest of Maine. For several years, she has been the director of the Acadian Village in Van Buren. She oversees the repairs and growth of the Village, which is a replica of Acadian life in northern Aroostook County in the early 1900s. Mrs. Roy was instrumental in planning and developing onsite the Levasseur-Dube Museum, the Martine Pelletier Book Nook and the Violette Industrial Building. Since 1982, she has also been the president of L'Héritage Vivant-Living Heritage Historical Society. She is the director of the Maine Acadian Heritage Council and vice-president of Le Club Français. A native of the St. John Valley, she has taught for 38 years, with 34 of those years at the former Loring Air Force Base in Limestone and in the town. Retired from full-time teaching in 2003, she now works part-time with special needs children in M.S.A.D. #24. She actively volunteers in the community as secretary of the Daughters of Isabella, is a member in good standing with the Friends of the Morneault Library in Van Buren, is chair of Mercy Meals for her church and is a member of the local American Legion Auxiliary. Mrs. Roy has a special place in her heart for her many elderly friends and is a familiar face at Borderview Nursing Home in Van Buren. In 2001, Mrs. Roy was the recipient of the Alumna of the Year Award from the University of Maine at

Fort Kent. She is presently the coordinator for the Town of Van Buren's 125th Anniversary Celebration, as well as the Acadian Village's 30th Anniversary. We extend our appreciation to Mrs. Roy on all her accomplishments and send her our congratulations on being inducted into the Franco-American Hall of Fame;

(HLS 1753)

Presented by Representative SMITH of Van Buren. Cosponsored by Senator MARTIN of Aroostook, Representative PARADIS of Frenchville, Representative JACKSON of Allagash.

On **OBJECTION** of Representative TWOMEY of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: La Président reconnaît le Député de Biddeford, Député Twomey. The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Merci Monsieur la Président, Madams and Messieurs de la chambre. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House.

Pour plusieurs années déjà, Anne Parent Roy a été une force inépuisable pour la culture acadienne et la langue française dans la Vallée St-Jean au nord du Maine. She has been a driving force for Acadian culture and the French language in the St. John Valley for many years.

Elle est très fière de ses origines: la fille de parents francophones et acadiens de Van Buren. Elle n'hésite pas à commencer une conversation en français, surtout avec les jeunes qui n'osent pas se lancer en français. Anne does not hesitate to initiate a conversation in French, especially with young people who are reluctant at times to speak French.

Professeur dévoué pendant plusieurs années à l'élémentaire, elle a appris à motiver ses élèves et leur apprendre à croire en eux-mêmes. Aujourd'hui elle se sert des mêmes talents pour encourager les adultes à se devouer à la survivance de la culture acadienne et de la langue française dans son coin du monde. A devoted elementary school teacher for many years, Anne learned to motivate her students and teach them to believe in themselves. Today she uses the same motivational skills to encourage adults to devote themselves to the survival of the Acadian culture and the French language in her corner of the world.

C'est au Village Acadien à Van Buren qu'on peut voir Anne du mois de mai jusqu'à la mi-septembre. C'est surtout grâce à elle que ce petit village présente la vie simple des habitants de la Vallée il y a presque cent ans. Elle sait diriger, bâtir, planifier et attirer les exilés de la Vallée et les touristes. It is at the Acadian Village in Van Buren that one can see Anne during the summer months. It is due largely to her vision and leadership that the village provides a true representation of the simple life of the inhabitants of the Valley in the early 20th century.

Toujours optimiste, Anne se dévoue aussi au sein du Conseil d'Heritage Acadien du Maine et du Club Français de la vallée. Elle se donne pleinement à la préservation de l'héritage acadien et l'instruction des jeunes, soit à travers des concours oratoires ou des cours d'été. Always the optimist, Anne devotes herself also to the Maine Acadian Heritage Council and Le Club Français of the St. John Valley. She gives one hundred percent to these organizations, especially their programs for young people. Merci Monsieur la Président.

The **SPEAKER PRO TEM**: La Président reconnaît le Député de Van Buren, Député Smith. 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 have known Ann from the days when we were both students in the Van Buren

schools. It is with great pride that I join in recognizing her contributions to the preservation of the Franco-American heritage in the St. John Valley and in our community.

Truly, this sentiment is well deserved. Her unceasing efforts have made my community and the surrounding communities a better place to live in and have brought great pride to the community. Merci Anne, et la bonne chance à vous dans tous vos efforts. Thank you Anne and good luck to you in all of your efforts.

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

Recognizing:

Yvon Labbé, on his induction into the Franco-American Hall of Fame. Mr. Labbé is the founder of the Centre Franco-Américain at the University of Maine and has been its executive director since 1972. His work encompasses the preservation of the many linguistic, cultural and historical treasures of the large francophone population of Maine and includes, among many other efforts, making the general public aware of the many monolingual French Mainers in the State's mental health hospitals who are unable to communicate due to the language barrier. He has initiated annual conferences on multiculturalism in Maine, educating teachers and the community. Mr. Labbé has coordinated exchanges with France, Canada, Africa and Haiti for several decades, and he is cofounder and vice-president of Le Forum Francophone des Affaires, offering the United States opportunities in trade and business with the rest of the francophone world. He founded the successful bilingual newspaper at the University of Maine, *Le Forum*, as well as the multicultural magazine *Maine Mosaic*. He was one of the organizers of the Maine Kennebec/Chaudière Heritage Tourism Project, which has been successful in both Maine and Québec. Mr. Labbé has been involved in many television projects on the Maine Public Broadcasting Network and other networks, as well as teaching college courses with bilingual and bicultural objectives. He has participated in several world summits with francophone heads of state. His vision, expertise and commitment to the French heritage and francophone presence in the State of Maine have been the inspiration to many students and colleagues in working for full recognition of the many contributions of Franco-Americans, and working to use the potential of the French language and culture on the international stage. Mr. Labbé has undergraduate and graduate degrees in French from the University of Maine and is a son of the Beauce Region of Québec. We send him our appreciation for all his work and commitment to the State of Maine and its French heritage and we congratulate him on his induction into the Franco-American Hall of Fame;

(HLS 1750)

Presented by Representative PARADIS of Frenchville. Cosponsored by Senator SCHNEIDER of Penobscot, Senator PLOWMAN of Penobscot, Senator PERRY of Penobscot, Representative CAIN of Orono, Representative BLANCHARD of Old Town, Representative DUNN of Bangor, Representative SOCKALEXIS of the Penobscot Nation.

READ and PASSED.

On motion of Representative CAIN of Orono, the House **RECONSIDERED** its action whereby the Sentiment was **PASSED**.

The SPEAKER PRO TEM: La Président reconnaît le Député de Orono, Député Cain. The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Merci Monsieur la Président, Madams and Messieurs de la chambre. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House.

Pendant plusieurs années, Yvon Labbe a travaillé très fort pour les Franco-Américains du Maine. For several decades Yvon Labbe has been an advocate par excellence for the Franco-Americans of Maine.

Originaire de la Beauce au Québec, Yvon est devenu un institut lui-même a l'Université du Maine, d'abord comme étudiant, ensuite comme professeur, et enfin comme directeur du Centre Franco-Américain. A native of the Beauce Region in Québec, Yvon has become a mainstay at the University of Maine, first as a student, then as a professor and finally as director of the Franco-American Center at the university.

Yvon est un champion des droits égaux pour tous, quelque soit leur origine nationale, leur religion ou leur vues politiques. Yvon is a champion of equal rights and opportunity for all, whatever their national origin,color, language, religion or political views. Pendant plusieurs années, il a amèné des groupes de journalistes du tiers monde au Maine pour qu'ils aient l'expérience d'une société libre qui respecte la presse indépendante. Over the years he has brought groups of journalists to Maine from underdeveloped countries to experience an open society with freedom of the press. Parmi ces journalistes sont des femmes de pays musulmans qui ont appris comment être des championnes des droits de la femme dans leur propre pays. Some of these visitors were women from Muslim countries who have become advocates for women's rights in their native countries.

Yvon est un visionnaire et un réaliste. Il a conçu le Forum Francophone des Affaires au Maine, un organisme qui pourrait connecter le Maine, avec son héritage franco-américain, au reste du monde francophone et établir des liens historiques, culturels, linguistiques et économiques. Yvon is a visionary and a realist who visualized the Francophone trade Forum, an organization that could connect Maine, with its proud Franco-American tradition, to the rest of the Francophone world by establishing historical, cultural, linguistic and business links. His dream of a closely intertwined francophone world is today bearing fruit.

Yvon est un homme de courage qui a dû lutter souvent avec ses supérieurs à l'Université du Maine pour assurer un Centre Franco-Américain stable, un département de français de première classe. Yvon is a man of courage who has often had to fight with the powers that be at UMO to ensure a viable Franco-American Center and a strong French Department with Franco-American studies worthy of a great university.

Yvon, on te salut et te remercie du fond du Coeur.

We thank you profusely and wish you well.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

In Memory of:

the Honorable Lucien Babe Dutremble, of Biddeford, who served as mayor, city councilor, state representative and county commissioner during a political career that spanned 6 decades. He served as a member of the Maine House of Representatives

during the 108th, 109th, 113th-116th and 118th Legislatures. Mr. Dutremble was a dedicated public servant whose efforts and commitment improved the lives of the people of Biddeford, York County and this State. During World War II he served with the United States Marine Corps. He owned and operated the Dutremble Brothers Market for 25 years. Behind the grocery store, he and his brothers established the Blue Diamond Club as a clubhouse for neighborhood kids. Mr. Dutremble enjoyed local and professional sports and closely followed the activities of his children and grandchildren. We extend our condolences to his loving family. Mr. Dutremble will be greatly missed by his family, friends, colleagues and others that he met during his public service to his community and State;

(HLS 1748)

Presented by Speaker RICHARDSON of Brunswick.

Cosponsored by Senator SULLIVAN of York, Senator HOBBS of York, Representative TWOMEY of Biddeford, Representative BEAUDETTE of Biddeford, Representative SEAVEY of Kennebunkport, Representative ADAMS of Portland, Senator ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BRYANT-DESCHENES of Turner, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Senator CLUKEY of Aroostook, Representative COLLINS of Wells, Senator COURTNEY of York, Senator COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Representative DAVIS of Augusta, Senator DAVIS of Piscataquis, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative EBERLE of South Portland, Representative EDER of Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Senator GAGNON of Kennebec, Representative GERZOFISKY of Brunswick,

Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Senator HASTINGS of Oxford, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACOBSEN of Waterboro, Representative JACKSON of Allagash, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LERMAN of Augusta, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative SIMPSON of Auburn, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Senator SNOWE-MELLO of Androscoggin, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Senator STRIMLING of Cumberland, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath,

Representative WEBSTER of Freeport, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative TWOMEY of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It is with a heavy heart that I rise today, but in celebration of Mr. Dutremble's life, a man who spent his whole life in public service. As you just heard Mr. Dutremble, better known as Babe, – that is how you know someone is special when you just have to say one name, Babe and they knew who he was. He served in the 108th, 109th, 113th, 114th, 115th, 116th, 118th Maine State Legislature. He served as mayor, he served as a councilor and like the energizer bunny at 83 he was still in public service being the York County Commissioner. He was amazing and I have to tell you that wherever he went people would wave. He was really loved.

Every time that I went to a senior citizen outing Mr. Dutremble was there. All the seniors would talk to him because he was down to earth. He owned a small grocery store with his brothers, to which they had a club in the back for all the neighborhood children. He loved sports and he loved children and the elderly loved him.

When I went to his funeral I couldn't get over the beautiful testimony given by his children. Denis served as the first Franco-American President of the Senate and it was a big, big accomplishment. It was wonderful that we had someone serving as the President of the Senate from the Franco-American community. They spoke about his love for his family and Cecil, his wife of 61 years. She is the most beautiful woman you would ever want to meet inside and out. She never ages. She is just beautiful. There was his son Allen who sang at his funeral and his grandchildren, 13 grandchildren who said that their grandfather never missed a game. That man was always there no matter how he felt; no matter how sick he was. That was the number one thing that was important to Mr. Dutremble was going to those games. He loved sports, he loved politics, but most of all he loved his family.

I was just overwhelmed at the funeral when I found out that the grandchildren, every single one, 13, all graduated with honors. That was their priority, education from a man who came without a lot of money. He worked hard; he owned a small store. That's who he was. That's what represented Biddeford, a man with heart, a man who cared for those who didn't have a lot of money and a lot of resources. He would find the way to help them and he was very respected and this chamber still has his spirit. I still feel it when I come in here. So, I think that it is appropriate, especially today when we are celebrating our heritage – the Franco-American heritage – that we speak about Babe, a man who was really loved. So it is with sadness, but also with celebration of his life that I say to his family that we honor him, we will miss him, rest in peace. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know how many of you have the pleasure of Babe Dutremble's acquaintance, if you did not you missed the opportunity of meeting one of the finest gentlemen you could have had the opportunity to meet. He was a consummate listener whenever he was at an event or any type of gathering. He was very adept at listening to all that would be going on and would reserve his

comments for later and many times he would not necessarily make that comment in public. He would seek you out, go to the portion of the room where you might be standing, come over and shake your hand, and when Babe shook your hand it was as well as a greeting an expression of I am very glad to see you. That is the way he was and when he shook your hand he would take your hand in his hand and he would use his other hand to put it on your arm knowing that you were welcomed and that he was very pleased to speak to you.

He had great instincts because of his ability to listen very well. He was always able to make very adroit evaluations of whatever situation may have presented itself and gave you advice in a manner in which you really enjoyed receiving that advice, not that you were being preached to. He had tremendous care for others and I think that the most important aspect in Babe's life is that he was the true and consummate family patriarch. His sons are all gentlemen, unfailingly polite, as was their father and, as the Representative from Biddeford has stated, all of Babe's grandchildren were, I believe, all honor students and just an expression of Babe's value of always doing the right thing. I don't think that any of them ever got into any kind of trouble whatsoever. Now, what better legacy to leave to your community than the children and the grandchildren that proceeded from him? Babe truly left the world a better place than when he entered it. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is indeed a sad occasion to see the passing of a friend, somebody who I consider a mentor in many young men and young women in York County, but I think that the legacy that Mr. Dutremble left will live with us as long as we live and as the Representative said, when Babe shook your hand he took both of his hands and really shook them. He looked at you and you knew that he really cared. It wasn't, you know, the typical quick shake and, "See you later." He was such a sincere man and to see such greatness in public life for me he will be remembered always.

Babe's father died when he was very young. He was the oldest in the family and he took over that role, being the oldest in the family, to help his younger siblings. He was a very quiet man, but he was a quiet man of great dignity. The whole Dutremble family in York County, you can look and see the great years of service to of all of his sons and his family. As we mentioned here he was a great pepéré and grandpepéré and a great mentor to a generation of people in public life, myself included. Thank you Mr. Speaker.

The SPEAKER: It is nice to see everyone coming together, unfortunately at this time. I remember the first time I met Babe because he said to me it is a pleasure to share a smile with you and I understand that was the signature of what he often said to others.

As we like to do in marking the passing of members of this body would you please join me in a moment of silence?

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Lucien "Babe" Dutremble, of Biddeford.

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

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

REPORTS OF COMMITTEE

Refer to the Committee on

Business, Research and Economic Development

Pursuant to Joint Order

Representative SMITH for the Joint Standing Committee on Business, Research and Economic Development on Bill "An Act To Require Registration by Residential Construction Contractors"

(H.P. 1477) (L.D. 2089)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to Joint Order 2006, H.P. 1434.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

ORDERS

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1479) (Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BERUBE of Lisbon, BIERMAN of Sorrento, BISHOP of Boothbay, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BRAUTIGAM of Falmouth, BROWN of South Berwick, BROWNE of Vassalboro, BRYANT of Windham, BRYANT-DESCHENES of Turner, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRESSEY of Cornish, CROSBY of Topsham, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURTIS of Madison, DAIGLE of Arundel, DAVIS of Falmouth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, EDER of Portland, EDGECOMB of Caribou, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFOSKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GREELEY of Levant, GROSE of Woolwich, HALL of Holden, HAMPER of Oxford, HANLEY of Paris, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, JACKSON of Allagash, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, LEWIN of Eliot, LINDELL of Frankfort, LUNDEEN of Mars Hill, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, McCORMICK of West Gardiner, McKANE of Newcastle, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MILLS of Farmington, MOODY of Manchester, MOULTON of York, NASS of Acton, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Skowhegan, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SEAVEY of

Kennebunkport, SHIELDS of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SOCKALEXIS of the Penobscot Nation, STEDMAN of Hartland, SYKES of Harrison, THOMAS of Ripley, THOMPSON of China, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: ANDREWS of York, BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, CLUKEY of Aroostook, COURTNEY of York, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, GAGNON of Kennebec, HOBBS of York, MAYO of Sagadahoc, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, STRIMLING of Cumberland, WESTON of Waldo)

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

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

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

WHEREAS, March 22, 2006 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; and

WHEREAS, April 25, 2006 has been designated internationally as a Day of Remembrance of the Victims of the Holocaust and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating April 23rd to April 30th as the Days of Remembrance of the Victims of the Holocaust, with the theme of "Legacies of Justice" in honor of the courage of, and the precedents set by, those who testified during the trials of Nazi war criminals; and

WHEREAS, it is appropriate for the people of the State of Maine to join in the state, national and international commemorations; now, therefore, be it

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

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the

United States Holocaust Memorial Council in Washington, D.C., and the Holocaust and Human Rights Center of Maine, on behalf of the people of the State of Maine.

READ.

The SPEAKER: I will take the liberty of reading something which refers to the liberator who stands in the gallery. Keith Wayne, Sr. of Hollis, Maine served in the U.S. Army 45th Division, 180th Infantry from 1944 to 1946 in France and Germany and as a scout, crossed the German lines at night to find out where the Germans were and what the Germans were doing and how to move in to find out anything and go back to these lines again, mostly under fire, in order to get reports back to his Sergeant. As he mentioned in the memoir, the book *Maine Remembers*, he felt like his life was only worth about three seconds. He earned the Bronze Star and the Presidential Citation as well as other medals. He was a liberator at Docow Concentration Camp and keeps in touch with many of the survivors including Gerda Haas, who has written several books about the Holocaust. His outfit lost 63,000 men and as he indicated in the memoir the war left him with many nightmares to this day. Whenever he is around too many people or whenever he hears an airplane it brings up the awful memories of that time.

On behalf of the entire legislature I want to thank you for your service as a patriot to this country and thank you for having the courage to do what you did in liberating and helping to liberate the Docow Concentration Camp. Keith thank you very much on behalf of the Legislature.

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

Sent for concurrence.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-493)** on Bill "An Act To Require the Maine State Retirement System To Divest Itself of Certain Holdings"

(S.P. 675) (L.D. 1758)

Signed:

Senators:

STRIMLING of Cumberland
SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Allagash
HALL of Holden
HUTTON of Bowdoinham
TUTTLE of Sanford
HAMPER of Oxford
CLARK of Millinocket

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

Signed:

Representatives:

DUPREY of Hampden
CRESSEY of Cornish

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-493).**

READ.

Representative SMITH of Van Buren moved the Majority **Ought to Pass as Amended** Report.

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

Representative SIMPSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to ask you to support this bill directing the Maine State Retirement System to divest itself of holdings involving companies that do business in the Darfur region of Sudan. A tragedy is ensuing in Darfur. About 400,000 non-Arabs have been murdered and it is estimated that more than 2.5 million more have been forced to leave their homes and are now refugees. They are subject to torture, rape and plunder. Sadly, it is a way of life for millions today in that part of the world.

I understand if you were wondering why genocide in Sudan, where the murder rate is now estimated to be 500 people per day, is relevant to the Maine Legislature. It is relevant because we have a moral imperative to oppose it. The State of Maine clearly cannot intervene in this conflict, but we can speak with our dollars by requiring the Maine State Retirement System to divest itself of holdings that involve companies doing business in Sudan. There are many other investment operations that we can pursue that would not have such drastic consequences for millions of innocent people. While we cannot guarantee the safety protection and health of the Sudanese, we still have the opportunity to cut the profits to the Sudanese government that are being used to finance this genocide. As technology makes our world community smaller, whether through cell phones, email or satellite television our responsibility to make our voices heard on issue grows.

Maine has a history of acting responsibly in this way. In the 1990s we passed similar legislation sponsored by our colleague in this House, the Representative from Portland, Representative Adams to divest retirement holdings from Apartheid South Africa and Ireland and I hope that you will consider doing so again.

In passing this legislation today we will be joining the Pension Board of California, which took action without prompting from its Legislature and in the states of New Jersey and Oregon and many universities.

This vote is of special significance today because we are also commemorating, in this House, Yom HaShoah, the day of remembrance for those who suffered and died as victims of the Holocaust. The survivors, by their very existence remind us of our responsibility as human beings to honor the memory of the many millions who perished during the twentieth century genocides, but we can only honor them by our actions for words alone are not enough. To know about an atrocity and to do nothing is to be complicit and that is an atrocity in and of itself.

When accepting the Nobel Peace Prize Holocaust survivor and author Ellie Weizel made this point more eloquently than I can and I ask for your patience as I borrow from his words, "The world did know and remained silent and that is why I swore never to be silent. Whenever and wherever human beings endure suffering and humiliation we must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor; never the tormented and sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men and women are persecuted because of their race, religion or

political views that place must, at that moment, become the center of the universe."

Mr. Speaker, men and women of the House it is with concern not only for the well being of the people of Darfur, but also our own moral standing that I ask you to join me in supporting this bill. Thank you.

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

Representative MAKAS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I encourage you to support this measure. As you, I have seen the faces of the people in these villages, the villages of Darfur. But, for me it is very, very personal. Thirty-one years ago I traveled across Africa with some friends and we spent a considerable amount of time in the Sudan, including the Darfur region. In that region we, as young somewhat irresponsible campers, met some of the most kind people that I have met anywhere. The people that we met then as children are now the adults of Darfur and it breaks my heart to see them being punished as they are by an oppressive government. I encourage you to support this for the kind people that we met there. Thank you.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-493)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 23, 2006.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-838)** on Bill "An Act To Amend the Elementary School Closing Process for School Administrative Districts and Community School Districts"

(H.P. 1307) (L.D. 1867)

Signed:

Senator:

TURNER of Cumberland

Representatives:

DAVIS of Falmouth

FINCH of Fairfield

NORTON of Bangor

GOLDMAN of Cape Elizabeth

STEDMAN of Hartland

MAKAS of Lewiston

LANSLEY of Sabattus

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

Signed:

Senators:

MITCHELL of Kennebec

SCHNEIDER of Penobscot

Representatives:

EDGECOMB of Caribou

CAIN of Orono

MERRILL of Appleton

READ.

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The process to close an elementary school is complex and costly. This bill is an effort to save time and money for both the local district and the state. It eliminates the requirement for a referendum in a town where the school board has voted to close an elementary school and there is no opposition. To further ensure that parents have been informed of the decision those of us on the Majority Report added the amendment that requires that parents be informed of the closing of the school in a timely fashion so that if there is opposition it can come forward.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I think that it is a great thing and it is difficult to close a rural school, a small school and I am going to be voting against this for that very reason. I hope that it becomes even more cumbersome to close them. I think when you do that national studies will show you that when you close a school you are really killing a community and over time, when that school is gone so is the community and that is the sad, sad state of affairs.

What I would like to see instead of this approach where we make it easier to close schools is that we start to recognize these communities and their vulnerabilities and the fact that their schools are in jeopardy and find ways of changing that situation not ways of making it easier to close them, but bringing vitality back to those communities. Mr. Speaker, when the vote is take 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.

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 Falmouth, Representative Davis.

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill only closes a school with the permission of the local people. So, if there is no controversy and they agree to close the school then they will close it and that actually saves money and time. Thank you very much Mr. Speaker.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to say a couple of words on this. As you know, one of the SADs that I represent, SAD 31, has been really struggling on the issue of the new high school and as a result of that I have actually become a lot more involved in and try to have a better understanding of many of the issues involved and some of the small rural communities that we have.

I understand that if you want to close a school in some of the larger schools, Portland, Lewiston and some of the other areas, this process may be well and good, but in many of the smaller schools the folks up there are becoming very concerned on what people are really up to down here. Do they want to close all of the schools in the small rural areas? I think a lot of people believe that this is actually happening. So the idea that the current process is complex and costly I would agree with. I think it is a good process and it is one that has worked. I am very

much opposed to this bill and I will be voting against it as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative **MERRILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will also be voting against the pending motion. The good Representative from Bangor pointed out that the committee amendment provides notice to the parents of students who attend the school that is projected to be closed. That ignores the fact that in these towns there are many people who are very concerned about whether or not a school stays open. The good Representative from Waldoboro talked about the value of a small school to a town. I think that this is really simple. If you want to make it easier to close small schools you are going to vote for this motion. Thank you.

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

Representative **GOLDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Speaking from a very personal point of view I wish this bill had never come before us because it was obvious that it was going to be misunderstood. The background to this bill was a small town that wanted to close a school. There was absolutely no opposition. As we understood it, the bill came to us from the department and they were concerned, that town was concerned that current regulations required them, in addition to holding public meetings and discussing it at the board and having various other local means of discussing it with the townspeople, In addition the current rules require the town to hold a referendum. The superintendent or the school board came to the department and indicated that they saw that as totally unnecessary, a cost on top of everything else and they felt that that there was some way to get around that particular regulation. In response to that kind of a situation, which is a non-debatable, the sense that we are in total agreement and the other steps of the process are still in place and still require a public notice in addition to the amendment that we put on the bill. The department brought this bill forward in order to save people from having to spend that extra piece at the end of the line. Personally there was never, in my understanding of the bill, an intention to, in any way, stop the process to allow people to discuss this. There is nothing in this bill except the opportunity for the school board that wished to use it to not have to pay the money to go out to a referendum. If it makes you comfortable to keep the situation as it is now, frankly I can understand that and I personally could vote either way on this bill, but the reason I am addressing it is that I don't think this bill should be used as another piece in another kind of controversy about who makes the decisions to shut down small rural schools. It really has no place in that debate. It is strictly trying to respond to small communities requests not to have to spend the extra money to go to referendum. If you vote for the bill they don't have to spend that extra money. If you vote against the bill you keep that in there and that is all this bill is dealing with. Thank you very much.

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 get up to speak to this as a school board member and as a citizen in a rural area. My concern about this is that we have one school that is looking at this as being an issue because of the cost. I am saying that because this is one small issue my concern is what happens to those communities that don't have agreement and now the people have to go and request a referendum instead of it

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becoming automatic. What we have done is that we have taken a piece of the public process that was automatic out of it. It is more the norm that there is some discussion that has to happen as it relates to public schools. This has to be a public decision and we are taking an automatic public vote out of this because it may cost one district a little bit more. It may cost other districts a lot more in time, effort and petitions because this piece is taken out of it and I ask that you vote against this.

The SPEAKER: 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 have got a great, great deal of concern about what this bill will actually do. An important part of our process for schools and government is that the citizens be given a voice and that they be given a chance to be informed at a meeting and have a chance to vote at a meeting on the important affairs for their community. One of the most important affairs for a community is whether or not a school is going to remain open, this is important not just to the parents of students who are already enrolled, it is also important to the parents of students who are thinking of enrolling their children for the next year. It is important to parents who are considering whether or not they are going to locate their residences in the community rather than in another community. These decisions should not just be left to be handled at meetings that don't have a public notice and the protections of a referendum. It is fine to say that they can petition, this is like the opt-in/opt-out. Well, I don't think that we should use the petition to opt-out of a school closing. That we know does not give the voice or the opportunity to people that they should have. I won't vote against this because I believe that the time-honored methods of informing and voting on the important affairs of the community should continue. We are not looking to try to shortcut and certainly elections and referendums cost money, but they are an important part of our process, let's not leave them behind to save a few dollars.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to reiterate the good points that have already been made by several folks in the auditorium today, but experience teaches me that closing small schools in rural communities and elsewhere is a very gut wrenching experience for the community. It is one that can leave a long-standing sense of distrust with the school board. It can leave a lot of negative perceptions about the schools. It is a process that should be as long and as complicated and as arduous for those who seek to close them as possible.

All of the points that have been made on both sides of the divide here regarding closure of schools are well taken. I also would vote against anything that would simplify this process and will vote against this measure. Thank you.

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

Representative EDGECOMB: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This legislation was brought forth because of one situation that occurred in the state and it may be years before we are faced with another situation where a community does not wish to have a referendum. That situation will be extremely rare therefore I will vote in opposition to this legislation.

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.

YEA - Blanchette, Bowles, Brannigan, Canavan, Cebra, Craven, Cummings, Davis G, Dudley, Dunn, Duplessie, Duprey, Finch, Gerzofsky, Goldman, Harlow, Hutton, Koffman, Lansley, Makas, Marley, McKenney, Norton, O'Brien, Rines, Robinson, Shields, Simpson, Smith N, Tuttle, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Ash, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bowen, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dugay, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McKane, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Schatz, Seavey, Sherman, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Webster.

ABSENT - Babbidge, Bliss, Hotham, Jennings, Lerman, McFadden, Paradis, Sampson, Saviello, Stedman, Walcott.

Yes, 34; No, 106; Absent, 11; Excused, 0.

34 having voted in the affirmative and 106 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-839)** on Bill "An Act To Clarify the Unemployment Laws Relating to Subcontractors"

(H.P. 1287) (L.D. 1847)

Signed:

Senators:

SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:

DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SMITH of Van Buren
JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford

CLARK of Millinocket

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.

**CONSENT CALENDAR
First Day**

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

(H.P. 1431) (L.D. 2034) Bill "An Act Relating to Mergers and Consolidations of Corporations without Capital Stock" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 893) (L.D. 1296) Bill "An Act To Provide for Victims of Trafficking" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-864)**

(H.P. 1429) (L.D. 2031) Bill "An Act To Authorize Certain County Jail Employees To Perform Ministerial Functions Related to Preparing Personal Recognizance or Unsecured Appearance Bond" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-863)**

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. 664) (L.D. 1747) Bill "An Act To Assist Maine Military Families" (EMERGENCY) (C. "A" S-492)

(H.P. 1187) (L.D. 1679) Bill "An Act To Amend Procedures Used in Criminal Proceedings in Which the Victim Is Mentally Disabled" (C. "A" H-845)

(H.P. 1236) (L.D. 1728) Resolve, Directing the Cumberland County Commissioners To Establish a Task Force To Establish New County Commissioner Districts (C. "A" H-840)

(H.P. 1300) (L.D. 1860) Bill "An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas" (C. "A" H-842)

(H.P. 1313) (L.D. 1873) Bill "An Act Regarding Sexual Assault Forensic Examinations" (C. "A" H-846)

(H.P. 1323) (L.D. 1883) Bill "An Act To Clarify the Liquor Laws" (C. "B" H-856)

(H.P. 1416) (L.D. 2016) Bill "An Act To Extend the Corrections Alternatives Advisory Committee" (EMERGENCY) (C. "A" H-859)

(H.P. 1420) (L.D. 2019) Bill "An Act To Amend the Charter of the Kennebunk Light and Power District" (EMERGENCY) (C. "A" H-835)

(H.P. 1438) (L.D. 2040) Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement and Abatement Costs (C. "A" H-857)

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

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

(H.P. 1385) (L.D. 1977) Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) (C. "A" H-855)

On motion of Representative CUMMINGS of Portland, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 1403) (L.D. 2001) Bill "An Act To Implement Recommendations of the Criminal Law Advisory Commission" (C. "A" H-858)

On motion of Representative RINES of Wiscasset, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-858)** was **READ** by the Clerk and **ADOPTED**.

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

Representative RINES of Wiscasset **PRESENTED House Amendment "A" (H-868)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment from Bills in the Second Reading and it changes the status of the bill so that it doesn't conflict with current statute. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-868)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-858)** and **House Amendment "A" (H-868)** sent for concurrence.

**BILLS IN THE SECOND READING
House**

Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

(H.P. 1401) (L.D. 1999)

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation" (EMERGENCY)

(H.P. 1474) (L.D. 2083)

Resolve, Concerning the Collection of the Statewide E-9-1-1 Surcharge from Prepaid Wireless Telephone Service

(H.P. 1476) (L.D. 2088)

House as Amended

Bill "An Act To Improve Recreational Watercraft Safety"

(H.P. 231) (L.D. 307)

(C. "A" H-850)

Bill "An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil"

(H.P. 1383) (L.D. 1975)
(C. "A" H-843)

Bill "An Act Relating to Elver Fishing" (EMERGENCY)
(H.P. 1421) (L.D. 2020)
(C. "A" H-847)

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

Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta (EMERGENCY)

(H.P. 1473) (L.D. 2082)

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

On motion of Representative BARSTOW of Gorham, was **SET ASIDE.**

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1445) (L.D. 2051) Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing" Committee on **TRANSPORTATION** reporting **Ought to Pass**

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

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

(S.P. 627) (L.D. 1682) Bill "An Act To Support Sibling Rights in Child Welfare Custody Matters" Committee on **JUDICIARY** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-500)

(S.P. 702) (L.D. 1785) Bill "An Act To Promote Economic Development by Enhancing Educational Opportunities" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-497)

(S.P. 723) (L.D. 1923) Bill "An Act To Maintain Standards for the Plumbing Profession" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-496)

(S.P. 737) (L.D. 1936) Bill "An Act To Include Oral Health Assessment with Other Preschool Testing for Maine's Children" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-498)

(S.P. 766) (L.D. 1986) Resolve, To Name the New Bridge over the Penobscot River Committee on **TRANSPORTATION**

reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-503)

(S.P. 774) (L.D. 2012) Bill "An Act Amending and Restating the Charter of The President and Trustees of Colby College" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-501)

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-502) on Bill "An Act To Continue the Tourism Cooperative Marketing Fund"

(S.P. 652) (L.D. 1698)

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York
DOW of Lincoln

Representatives:

CROSBY of Topsham
BEAUDETTE of Biddeford
BERUBE of Lisbon
FARRINGTON of Gorham
SMITH of Monmouth
RECTOR of Thomaston
ROBINSON of Raymond
AUSTIN of Gray
O'BRIEN of Lewiston

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

Signed:

Representative:

JACOBSEN of Waterboro

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-502).**

READ.

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

The Bill was **READ ONCE.** Committee Amendment "A" (S-502) was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 23, 2006.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-495) on Bill "An Act Regarding the Sharing of Costs in Certain School Districts" (EMERGENCY)

(S.P. 750) (L.D. 1953)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

TURNER of Cumberland

Representatives:

DAVIS of Falmouth
 NORTON of Bangor
 GOLDMAN of Cape Elizabeth
 MAKAS of Lewiston
 CAIN of Orono
 MERRILL of Appleton

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

Signed:

Representatives:

FINCH of Fairfield
 EDGEComb of Caribou
 STEDMAN of Hartland
 LANSLEY of Sabattus

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-495)**.

READ.

Representative GOLDMAN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

Representative **GOLDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This particular bill was brought forward by the some of the municipalities that are part of SADs and the EPS formula was, in their opinion, that is the purpose of the bill, they were being penalized for not receiving the degree of special ed funding that they would have received if they were stand alone municipalities. That is, the stand alone municipality, even if they are low receivers, meaning they have high property value, would be receiving either 100 percent of special ed costs or 84 percent of special ed costs depending on whether they are low or minimum receivers. However, those municipalities who would have high property value and be low receivers and who are participating in SADs were not receiving anything for their special ed costs. I take that back, they were receiving some of their special ed cost. They were receiving something, but they were not receiving the amount that the stand-alone municipalities were receiving.

There seemed to be some concern that that kind of a situation was regarded as unfair enough to pressure certain SADs to talk about removing themselves or applying to remove themselves from the SAD. After due consideration, as you can see, the majority here has voted to equalize the situation so that those municipalities within SADs who would qualify for the special education supplement if they were stand alone municipalities would now get that supplement. Thank you.

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**: 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. 387

YEA - Adams, Annis, Ash, Barstow, Beaudette, Bierman, Blanchard, Blanchette, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Craven, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson W, Rines, Sampson, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Thompson, Trahan, Tuttle, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bishop, Bowen, Bowles, Bryant-Deschenes, Cebra, Cressey, Crosthwaite, Curtis, Daigle, Duprey, Edgecomb, Finch, Fitts, Fletcher, Hall, Hamper, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McKane, McLeod, Moore G, Moulton, Ott, Plummer, Rector, Richardson E, Richardson M, Robinson, Rosen, Shields, Tardy, Thomas, Vaughan.

ABSENT - Babbidge, Bliss, Collins, Dudley, Greeley, Hotham, Lerman, McFadden, McKenney, O'Brien, Paradis, Saviello, Sherman, Stedman, Twomey, Walcott.

Yes, 96; No, 39; Absent, 16; Excused, 0.

96 having voted in the affirmative and 39 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-495)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 23, 2006.

Six Members of the Committee on **NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-508)** on Bill "An Act To Ensure Proper Disposal of Debris and Protection of the Environment"

(S.P. 47) (L.D. 141)

Signed:

Senator:

COWGER of Kennebec

Representatives:

WHEELER of Kittery
 DUCHESNE of Hudson
 EBERLE of South Portland
 KOFFMAN of Bar Harbor
 THOMPSON of China

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

MARTIN of Aroostook
 SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
 DAIGLE of Arundel
 ANNIS of Dover-Foxcroft
 ROSEN of Bucksport

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-509)** on same Bill.

Signed:

Representative:
TWOMEY of Biddeford

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**.

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Bill and all accompanying papers were **COMMITTED** to the Committee on **NATURAL RESOURCES** in concurrence.

UNFINISHED BUSINESS

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

Bill "An Act To Prohibit Parking in Access Aisles" (EMERGENCY)

(H.P. 1213) (L.D. 1706)

- In House, Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)** on February 28, 2006.

- In Senate, Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-765)** in **NON-CONCURRENCE**.

TABLED - March 14, 2006 (Till Later Today) by Representative **MARLEY** of Portland.

PENDING - FURTHER CONSIDERATION.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

Representative **SYKES** of Harrison, moved that 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)

Be **REMOVED** from the unassigned table.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I move that we take from the table LD 1717, "An Act to Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses Against Victims Under 12 Years of Age", which was previously tabled unassigned. I request a roll call and wish to speak to the motion.

Representative **SYKES** of Harrison **REQUESTED** a roll call on the motion to **REMOVE** from the unassigned table.

The **SPEAKER**: The motion is out of order for this reason: it would properly be a motion to be made, however, according to the rules you must have all of the matters off of the table before moving to the table unassigned. So the motion would be out of order until the table, meaning the table of Unfinished Business has been fully dealt with. To that end, it is probably appropriate right now to indicate to members of the body that there are 17 items on the Unfinished Business list. I am going to be moving

those items off of the Unfinished Business list in chronological order, starting of course with unfinished one, two and three. I am going to be moving those matters off the Unfinished Business list until that list has been eliminated. That is just to provide ample notice to a number of members who are drafting amendments, checking with other members or checking with constituents. We are at the point now in the process where we need to move the Unfinished Business list rapidly. We need to do so. If you are negotiating on an issue related to the Unfinished Business list items then you need to negotiate that item with whomever and you need to offer your amendments and get those prepared as quickly as possible because it is my intention to clean up the Unfinished Business list here very quickly. I hope that answers the Representative's question.

Subsequently, the Chair **RULED** that the motion was Out of Order.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Mr. Speaker, I appeal the ruling of the chair that the motion is out of order.

Representative **TARDY** of Newport **APPEALED** the **RULING OF THE CHAIR**.

The **SPEAKER**: The Record will reflect the appeal of the Chair's ruling. The Chair will take the matter under advisement and have a final ruling on the matter by the next legislative day.

The Chair also further understands that the Representative from Newport, Representative **Tardy**, has tabled the appeal pending a ruling from the chair that will be determined tomorrow. Is this now the pleasure of the House?

On further motion of the Representative **TARDY** of Newport, the **APPEAL** was **TABLED**. (Roll Call Requested)

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

On motion of Representative **TWOMEY** of Biddeford, the House adjourned at 12:36 p.m., until 10:00 a.m., Thursday, March 23, 2006 in honor and lasting tribute to the Honorable Lucien "Babe" Dutremble, of Biddeford.