

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

April 7, 2006 - May 24, 2006

Appendix
House Legislative Sentiments
Index

Pages 1488-2248

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
39th Legislative Day
Tuesday, April 11, 2006

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

Prayer by Pastor Terri Bracy, Frankfort Congregational Church, UCC.

National Anthem by Lyman Moore Middle School Chorus, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Expression of Legislative Sentiment Recognizing Irving Oil Corporation of Portsmouth, New Hampshire

(HLS 1827)

PASSED in the House on April 7, 2006.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

(H.P. 1394) (L.D. 1990)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) in the House on April 6, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924)** in **NON-CONCURRENCE**.

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

Representative LINDELL of Frankfort **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

Subsequently, Representative LINDELL of Frankfort **WITHDREW** his **REQUEST** for a roll call.

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

COMMUNICATIONS

The Following Communication: (S.C. 623)

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

April 10, 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:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nominations of:

Donald H. Gean of Alfred for appointment to the Maine State Housing Authority

Scott D. Harriman of Machias for appointment to the Washington County Development Authority

Edward R. Pellon of Machias for appointment to the Washington County Development Authority

Normand L. Laberge of Trescott for appointment to the Washington County Development Authority

James E. Frey of Milbridge for appointment to the Washington County Development Authority

Upon the recommendation of the Committee on Natural Resources, the nomination of:

Ernest W. Hilton of Starks for reappointment to the Environmental Protection Board.

Upon the recommendation of the Committee on State and Local Government, the nominations of:

Elaine L. Clark of Cumberland for appointment to the Maine Governmental Facilities Authority

Peter G. Cary of Cape Elizabeth for reappointment to the Maine Governmental Facilities Authority

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age"

(H.P. 1499) (L.D. 2108)

Sponsored by Representative GERZOFKY of Brunswick.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: BLANCHETTE of Bangor, CHURCHILL of Washburn, GREELEY of Levant, GROSE of Woolwich, HANLEY of Gardiner, PARADIS of Frenchville, PLUMMER of Windham, SYKES of Harrison.

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

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Representative DAVIS of Augusta moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to remind you all we have a bill addressing this issue. It is called 1717. That can very well go back to committee if it needs further discussion and further work. Thank you.

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

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative DAVIS of Augusta to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

ORDERS

On motion of Representative PIOTTI of Unity, the following Joint Resolution: (H.P. 1498) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARR of Lincoln, EDGECOMB of Caribou, FLOOD of Winthrop, JENNINGS of Leeds, JODREY of Bethel, LUNDEEN of Mars Hill, MAREAN of Hollis, SHERMAN of Hodgdon, SMITH of Monmouth, TWOMEY of Biddeford, Senators: BRYANT of Oxford, RAYE of Washington)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, recent statistics show that Maine's 7,200 farms, the bulk of which are small, family farms, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises and associated industries provide more than \$500,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,700,000 acres of land, a vital resource in maintaining the food security of Maine people, and an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, 2nd in the Nation in the production of maple syrup, 6th in the Nation in the production of fall potatoes, 2nd in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources as a token of the esteem in which those in this vital field are held.

READ.

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two billion dollars, that is what Maine agriculture infuses into the Maine economy. It also employs almost 10 percent of the state's workforce and it keeps open over 1.5 million acres of land. It also keeps alive many of our smallest rural communities. I am an unabashed champion of Maine farms and thus it hurts me sometimes when I hear, not from anyone in this chamber, that farming is dying or dead. Nothing could be further from the truth. The federal government puts out the agricultural census once every three years. In the last agricultural census the number of farms, the number of farmers and the number of farm acres in production have all increased in Maine. In a state where we usually think of us as

being one of the oldest in the country, we have the fifth youngest farmer population. These are all things to be very, very proud of. It is not enough, however, to have those good statistics if we don't have good state policies to support this industry that could be a big part of the future of Maine. I am very pleased with a lot of the work that occurred in this Legislature and in the past Legislatures. The work we have done on dairy, the work we have done with the potato industry, the work we are doing with small farms, the work we are doing with small farms, the work we have done to promote innovation through farms of the future. It is all very promising. As a member of the agricultural community, I thank heartedly the members of this chamber and the other body for the support you provided to this important industry. Celebrate with us today with lunch at the grange. Thank you.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is Ag Day in the Legislature. Yah! It is my favorite day. I started my day this morning by feeding and watering the chickens and collecting eggs and feeding and watering the llamas who oversee the chickens and protect them from the coyotes at night. I helped my husband milk the cows and then we fed the baby cows. By then, I was out of time. He has to feed the pigs while I was getting ready to come up here.

I was thinking about what to say today and I really am too close to this to have any profound words of my own. I want to thank Representative Piotti for his words. Again, thank all of you for the work that we have done in the past to support farming. I do have a favorite passage in a book. The book is called, *The Contrary Farmer*. It is by Jean Lodgeton. There is a passage I read as a eulogy for my husband's cousin, Russell Smith who died about two years ago at the age of 95. I have a great photograph of him on a tractor where he did a couple of sweeps around the field haying one last time before he started dialysis. I want to read this now because I also used it to try to explain to non-farmers that thing that is the farmer.

"There is much work associated with even the small cottage farm. Making that work enjoyable is a kind of calling, I think. Not everyone is cut out for it. I am sure there are thousands of people going through life dissatisfied because they do not know that they were born to be nurturers, farmers. Sometimes as a compromise, they become gardeners and that is okay too. This calling by which physical work can be rendered enjoyable and interesting and requires certain characteristics that may be learned, but that I believe are mostly inborn. The first is a love of home. People with a true vocation to contrary farming find so much fascination in the near at hand that they feel no need to wander the world in search of truth or beauty or amusement. True farmers see their farms and their communities as a source of never ending discovery, a microcosm of the world. They see the Grand Canyons and the tropical rain forests, the city lights fantastic and the now much trodden wilderness, the history of civilization ebbing and flowing all repeated in their own neighborhoods. This ability to see extraordinary beauty and drama in the farm landscape is sheered by real farmers. It is another reason that the work remains enduring, if not enjoyable, even in the most trying situations. The geometry of fields and garden plots never ceases to please the land lover's eye even when sweat blurs the vision." Thank you Mr. Speaker.

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. I have had the pleasure of being on the Ag Committee this session. I have to

tell you that being on the Natural Resource Committee has been something that I always wanted to do. I have to tell you that the Ag Committee is really interesting, as much as Natural Resources. I have learned so much being on the Ag Committee this year. The fact that it is so good for our economy, it was a little known secret how much these farms generate. I didn't feed my chickens this morning. What I did is I went downstairs and I spoke to every single person that is there on the second floor. I talked to the people with the blueberry fields. I talked to the people who grow apples. I talked to the goat cheese makers. I talked to the Shepard. It is really interesting to know what is going on in this state. I wonder how many people just don't get the education.

We just introduced a food policy from our committee that I am really, really excited about. It is about educating people about where your food is grown. It just doesn't show up in the supermarket. It is very important that we make sure that this industry continues. We must be champions for the agricultural community. We must step up when the dairy farmers need our help or when the potato farmers need our help.

When I go to the supermarket and I don't see a bag of Maine potatoes, the first thing I do is ask for the supervisor. I ask, why don't we have any Maine potatoes. I have to say that Hannaford is really good on trying to promote local produce. It really depends on us. We need to make sure that we get these products. We need to make sure that we go to Maple Sugar Sunday and that we go to the apple orchards and we buy the beef that is raised here. It is all wonderful food, home grown and much better for us, the connection of our food. If we had a Katrina in the State of Maine, do you know how much food there is? Maybe two day's worth. What would we do if we had a natural disaster? These are all things that we are discussing. I think that having local farmers and being a champion for them is really what this is all about. I love being on that committee. Representative Piotti has done a great job. The committee is terrific. It has just been a great experience. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative AUSTIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not only do I stand today in recognition and support of our farmers in my region, the Gray/New Gloucester/Pownal/North Yarmouth area, but also the research that is going on at the Pineland Farms on the Pineland Campus. These folks have done research in disease resistant sheep. They are doing work on the Holstein herds and as many of you may know, the Holstein National Convention was held there last year and just recently within the last week, the second national Holstein auction and sale took place. This facility and its support of farming here in Maine and the help to sustain in for the next generation, is imperative. Aside from that, this facility is supporting agri-tourism and that in its own right is multiplying out into our region and bringing many, many visitors to our area, which is of a great deal of help to our economy. Thank you very much, Mr. Speaker.

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

On motion of Representative GERZOFKY of Brunswick, the following Joint Resolution: (H.P. 1500) (Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BERUBE of Lisbon, BISHOP of Boothbay, BRAUTIGAM of Falmouth, BROWN of South Berwick, BROWNE

of Vassalboro, BRYANT of Windham, BURNS of Berwick, CARR of Lincoln, CHURCHILL of Washburn, CLOUGH of Scarborough, COLLINS of Wells, CROSBY of Topsham, CURTIS of Madison, DAVIS of Falmouth, DRISCOLL of Westbrook, DUNN of Bangor, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, HALL of Holden, HAMPER of Oxford, HANLEY of Paris, HANLEY of Gardiner, HUTTON of Bowdoinham, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, KAELIN of Winterport, LANSLEY of Sabattus, LEWIN of Eliot, LUNDEEN of Mars Hill, MAREAN of Hollis, MARLEY of Portland, MAZUREK of Rockland, McCORMICK of West Gardiner, McFADDEN of Dennysville, McKANE of Newcastle, McKENNEY of Cumberland, MILLS of Farmington, MOODY of Manchester, MOORE of Standish, NASS of Acton, PATRICK of Rumford, PERCY of Phippsburg, PINEAU of Jay, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RICHARDSON of Warren, RINES of Wiscasset, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SMITH of Monmouth, SYKES of Harrison, TARDY of Newport, THOMAS of Ripley, TRAHAN of Waldoboro, TWOMEY of Biddeford, VAUGHAN of Durham, WATSON of Bath, WHEELER of Kittery, Senators: BARTLETT of Cumberland, COURTNEY of York, COWGER of Kennebec, MAYO of Sagadahoc, STRIMLING of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF THE NAVY TO HONOR THE GIFT OF 1,000 ACRES KNOWN AS BRUNSWICK COMMONS BESTOWED IN 1719 BY THE PEJEPSCOT PROPRIETORS TO THE TOWN OF BRUNSWICK FOREVER AND RETURN IT TO THE TOWN AT NO COST

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Honorable Gordon R. England, the Secretary of the Navy, as follows:

WHEREAS, nearly 300 years ago, in 1719, the Pejepscot Proprietors donated 1,000 acres of land in the Township of Brunswick to be laid out as a "general perpetual commonage to ye town of Brunswick forever"; and

WHEREAS, the Town of Brunswick accepted the gift in 1774 and laid out the 1,000 acres that would come to be known as Brunswick Commons. In 1783 a deed was conveyed to the town selectmen, and the land became property of the town forever; and

WHEREAS, an 1816 survey was recommended by the Town Commons committee as the correct survey of the land, and in 1891 granite monuments were placed to mark the boundaries of the deeded land; and

WHEREAS, the Federal Government took the majority of Brunswick Commons to build the Brunswick Naval Air Station, which served this nation well during World War II. Five of the original granite markers of the Brunswick Commons are within the boundary of the current base; and

WHEREAS, the base was deactivated after World War II in 1946 and recommissioned in 1951 and has been active since that date, providing support to the United States military as a vital part of America's defense system; and

WHEREAS, Brunswick Naval Air Station was targeted for decommissioning in the latest round of federal base closings, with the direction that the base be sold to the highest bidder instead of returning the land to its original use as described by deed; and

WHEREAS, the original deed clearly meant for this land to be for the common good of the Town of Brunswick and, while the subsequent use of the land for Brunswick Naval Air Station was important for our national security, the Town of Brunswick and the people of Maine feel strongly that, since the Federal Government no longer has need of this land, it should be returned to its original source; and

WHEREAS, the Town of Brunswick declared in 1968 the full 1,000 acres of the Brunswick Commons to be an Historic Landmark, and the Town of Brunswick and the people of the State of Maine seek to make the original Brunswick Commons whole again, at no cost to the Town of Brunswick; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that Secretary England do all in his power to see that the land deeded to the people of Brunswick be returned to the people of Brunswick at no cost, now that the Federal Government no longer wants this historical tract of land; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Gordon R. England, the Secretary of the Navy, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

United States Army Sergeant First Class Kim Dionne, of Lewiston, on her return from a year of service in Iraq and Afghanistan. Sergeant Dionne, who has a bachelor's degree and eventually plans to teach, has more than 20 years of active service in the military. We acknowledge her dedicated service to her country and we send her our best wishes on her future endeavors;

(HLS 1831)

Presented by Representative MAKAS of Lewiston. Cosponsored by Representative O'BRIEN of Lewiston, Representative SAMPSON of Auburn, Representative WALCOTT of Lewiston, Representative CRAVEN of Lewiston, Senator ROTUNDO of Androscoggin.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. Many of you got to know Sergeant Dionne and you let her know you were thinking of her though notes that you added to cards that we sent to her when she was in Afghanistan and Iraq. She told us how much these notes meant to her in a card that she sent to us and that I shared with all of you. She told us how these notes and our thoughts of her helped her to cope during the difficult times that she spent away from family and friends and familiar places.

On behalf of us, I want to let Sergeant Dionne know in turn how much she meant to all of us, how much she means to all of us. We honor her for her 20 plus years of service to our country, including the time that she spent in Afghanistan and Iraq.

On a more personal note, I want to add a special thank you to my dear friend, Kim. I want to thank her for constantly reminding all of us and the many others from Maine and elsewhere who have served our country and who are currently serving our country at great personal sacrifice to themselves and to their families. Thank you Sergeant Kim Dionne.

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

Representative **O'BRIEN:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand today to honor a very special person who when she had the chance to lead her life here in Maine after her many years of service, she decided to serve one more time in a very dangerous area where I don't think a lot of us would volunteer to go. I, too, like Representative Makas, Representative Walcott, Representative Craven, Representative Sampson and Senator Rotundo say thank you, thank you, thank you, Sergeant First Class Dionne.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative PIOTTI for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Establish a Food Policy for Maine"

(H.P. 1497) (L.D. 2107)

Reporting **Ought to Pass** pursuant to Public Law 2005, chapter 382, Part C, section 6.

Report was **READ** and **ACCEPTED.** The Bill was **READ ONCE** and assigned for **SECOND READING** Wednesday, April 12, 2006.

Divided Report

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-571)** on Bill "An Act Concerning Technical Changes to the Tax Laws"

(S.P. 668) (L.D. 1751)

Signed:

Senators:

STRIMLING of Cumberland
PERRY of Penobscot

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
HUTTON of Bowdoinham
WATSON of Bath

Six Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-572)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner

CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-571)**.

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is "An Act Concerning Technical Changes to the Law." It is what Maine Revenue Services calls their housekeeping bill. In general, it is a series a very minor language corrections and technical changes, taking off the books things that are no longer administered and so forth.

The two reports, you will see it is a six to six divided report. The two reports are nearly the same. Of the 22 sections in this report, the two reports are almost the same in all regards. I want to describe how they are different. The report which I have moved, Report "A" applies to the section of the law that is a special sales tax exemption for things that you buy in Maine and immediately move out of state. For example, you can buy a car in Maine and immediately take your car out of Maine and be exempt from the sales tax in Maine. That is considered a fair system of taxation.

At some point some time ago the Legislature passed a new sales tax exemption in this portion of the law that said if you bought truck bodies and trailers manufactured in the state and then took them out, you would be exempt from taxes. The problem is, by defining truck bodies and trailers manufactured in the state, you have created what is an unconstitutional provision. That is, you can't provide a tax advantage to something that is manufactured in Maine if you don't apply the same tax advantage to things that are manufactured somewhere else. This particular sales tax exemption was deemed by the Attorney General as unconstitutional and has not been administered in Maine for a long time.

The technical change in this bill is, let's get rid of it. We are not administering it. Let's get rid of this thing in there that is unconstitutional. In fact, both Report "A" and Report "B" do this, but they do this in a different way. Report "A" says that we will just get rid of the whole thing. We are not going to apply this sales tax exemption because it is unconstitutional. If you buy a truck body or trailer in Maine and take it away, you pay sales tax just as you do on most things you buy in Maine. Report "B" says, okay, we can't distinguish between if it is manufactured here or manufactured somewhere else, but let's provide the sales tax exemption to any truck bodies or trailers that are bought in Maine. Because that is a change in how the law is being administered, that creates a \$400,000 fiscal note and so one of the differences here is how we are making it constitutional and the extent to which there is a fiscal note.

The report I am moving, Report "A," accomplishes all the technical changes, makes this provision constitutional again without applying a \$400,000 cost to the state, loss of revenue to the state. That is why I am recommending the support of Committee Amendment "A." Mr. Speaker, if I could request a roll call, I would appreciate it.

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

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

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

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to give you a little bit more information on how Report "B" differs from Report "A" by telling you what else is in this section of the law. Under Section 23C of 1760 certain vehicles purchased or leased by nonresidents, sales or leases of the following vehicles to a nonresident, if the vehicle is intended to be driven or transported out of the state upon delivery, are exempt from taxation. Here is the description of the items. Item A is motor vehicles except automobiles rented for a period of one year and all terrain vehicles and snowmobiles as defined in Title 12, section 13001. Section B, semi-trailers. Section C, aircraft. Section D, truck bodies and trailers manufactured in the State of Maine. Section E, camper trailers including truck campers.

I have a hard time removing this exemption completely even though they have not been administering it properly in the past several years. If the truck body or trailer is delivered outside the state, it is not taxed. However, unlike a motor vehicle or a semi-trailer or an aircraft or a camper trailer or a truck camper, if you buy a truck body or trailer in Maine and remove it from the state, you will pay the tax. I think this is not the way it should be done. I would ask you to vote against the pending motion and support Report "B." Thank you.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would only remind you that accepting Report "B" in this case, is going to cost the State of Maine \$400,000. That is the fiscal note on that. No matter how you cut it, no matter what the sales tax exemption covers, it is a \$400,000 loss to the State of Maine. We cannot afford that. Please support the pending motion. Thank you.

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

ROLL CALL NO. 483

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

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

ABSENT - Burns, Cain, Crosby, Hotham, Jackson, Jennings, Marean, Moore G, Schatz, Shields, Stedman, Thomas.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-571)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 12, 2006.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-987)** on Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers

(H.P. 1430) (L.D. 2032)

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"

(H.P. 415) (L.D. 560)

Signed:

Senators:

MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
VALENTINO of Saco
PATRICK of Rumford

TUTTLE of Sanford

MOORE of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-975)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York
PINKHAM of Lexington Township
NASS of Acton
BROWN of South Berwick

READ.

On motion of Representative PATRICK of Rumford, **TABLED** pending the **ACCEPTANCE** of either Report and later today assigned.

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Mountain Valley High School Boys Basketball Team of Rumford on its winning the 2006 Class B Western Regional Championship (SLS 986)

- In Senate, **PASSED.**

TABLED - March 29, 2006 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - PASSAGE.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am extremely proud to rise this morning to recognize the accomplishment of two great Mountain Valley High School Teams. The first team I would like to recognize is the 2006 Western Maine Class B Basketball Champions, the Mountain Valley Falcons. Mountain Valley became Mountain Valley 17 years ago with the merger between SAD 43 and Rumford. I am extremely proud to say that over the 17 years that the Falcons have been in existence, they have gone to the state championship four times and that leads the active schools over the last 17 years.

The Falcons finished the season with a 21 and 1 record. It was undefeated in Western Maine conference, the Falcons only blemish came in the state finals against a great, hot shooting Maranacook team. I think Representative Flood attested to that. The players played great with great skill and poise. They played their hearts out only to come up a little bit short. The thing that makes me feel the proudest is their championship caliber sportsmanship. Last year they received the Class B School Sportsmanship Award. Sportsmanship is what is really the most important thing.

I would like to recognize first year head coach, Dave Gerrish and his assistant Rick White. Neither could make it today because of work commitments. Coach Gerrish has brought a strong work ethic that stresses the fundamentals in a smothering

pressing defense. I know Coach Gerrish knows, as I do is offense wins games and defense wins championships.

Congratulations Coach Gerrish. I can't wait to see what your second year will bring. I am so proud of the entire team. Two the players are sons of the great New England Championship Team of 1976, which could be arguably the best basketball team that ever played in the State of Maine, at least from my standpoint. Andy Shorey and Coach Gerrish played on that team and their sons, Andy Shorey and DJ Gerrish are the sons of those players.

I would also like to recognize the other players, Brendon Kreckle, Owen Jones, Michael Morrisette, Byron Glaus, Justin Stairs, Marcus Palmer, Dean McCrillis, Alex Laula, Matt Laboscus, Travis Fergola, Brian Canwell and Matt Lyons. I would also like to thank the managers who also play a great part behind the scenes, Whitney Woods, Katie Drouin and Chris Brennick. I know Chris has been a long-time manager. You have done your parents and the community and the state proud in your championship, but most of all of your sportsmanship. I thank you for all you have done to make our community a better place. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise this morning to echo the words of the good Representative from Rumford, Representative Patrick. The Town of Mexico, which is one of the many fine towns that makes up SAD 43 has also contributed mightily to this championship team. I wanted to acknowledge that and recognize the entire team for their accomplishments. As Representative Patrick as said, you have made your community proud and your state proud in the way that you have gone about being champions, not only on the court, but off the court. I would like to offer my personal congratulations to the team at this time. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

Expression of Legislative Sentiment Recognizing Mountain Valley High School Wrestling Team on its winning the 2006 Class B Wrestling Championship

(SLS 992)

- In Senate, **PASSED**.

TABLED - March 29, 2006 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I once again rise to offer my congratulations to a Mountain Valley High School Athletic team. I am so proud to say that the Mountain Valley Falcons Wrestling team was once again crowned state champions, two years in a row. Mountain Valley became a school when Rumford merged with SAD 43. Many of you know in this House, especially, the Representative from Sanford, Representative Tuttle, may remember Rumford as being a powerhouse in wrestling well back into the '60s. Coach Jerry Perkins brought several state championship crowns to Rumford over the years and we are all extremely proud of head Coach Gary Dolliff and Assistant Coach Jeff Gilbert and Chris Bean for continuing the winning tradition at Mountain Valley High School that Coach Perkins left. Even when we didn't win state championships along the way, we always had wrestlers who finished individually in their own individual state crowns.

I am here to say that I am going to recognize the quality of the entire team. Many times during the year when one member was not able to wrestle, there was always someone to step and fill in and to give the team a chance to win another meet. I am extremely proud of two individuals who did make their state championships. Tyler Charles was an individual state champion for the first time and Brandon Bradley is a two-time state champion.

I would like to thank each member and tell them how proud I am of their great accomplishment. The team members are: Corey David, T.M. Burgess, Michael Gilbert, Chelsea Green, Derreck Scottey, Ernie Matthews, Jessie Siras, Ben Matthews, Chris Coyer, Erin Renault, Jeff Pelletier, Devin Roberts, Chris Bernise, Tyler Charles, Brandon Bradley, Kaylee Don, Dave Smith and manager Nicole Cyr.

I would also like to say that the Falcons are four times in a row Western Maine Class B champs as well. I really appreciate the effort that these kids put forward, both in individual and team effort. Thank you very much. Go Falcons!

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know this would come as no surprise to anyone that I used to wrestle. I can really appreciate what it takes to be champs. Wrestling is one of those sports that, not only is it a team sport, but it is an individual sport. To me, that gives them the best of both worlds. In fact, I remember wrestling when the good Representative from Sanford, Representative Tuttle, was on that high school wrestling team. I think we have changed a little since then. History aside, this team has been about blazing new trails and new territory. We are terribly proud of their accomplishments, both individually and collectively. I offer my sincere congratulations to each and every one of the team members and the coaching staff from Mountain Valley High School.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Forty years ago I was a teacher at Mexico High School and I started the wrestling program at Mexico. I knew that Rumford and Mexico were going to combine, the Falcons, real easily. The reason being is the kids from Mexico would meet at the high school and they would walk two miles to the Rumford High School so we would have a mat to practice on. That particular year, Rumford won the state championship and that was the first year Mexico had wrestling. Mexico came in second in Class C at that time. I was very proud of that team. They worked very hard. I am very proud of the Rumford team because I am from Rumford originally. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Importation of Wine"

(H.P. 1341) (L.D. 1900)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

PINKHAM of Lexington Township

VALENTINO of Saco
 PATRICK of Rumford
 TUTTLE of Sanford
 HOTHAM of Dixfield
 NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-976)** on same Bill.

Signed:
 Senator:
 PLOWMAN of Penobscot

Representatives:
 OTT of York
 MOORE of Standish

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

**CONSENT CALENDAR
 Second Day**

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

(H.P. 1369) (L.D. 1955) Bill "An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station" (C. "A" H-980)

(H.P. 1371) (L.D. 1957) Bill "An Act To Establish the Midcoast Regional Redevelopment Authority" (EMERGENCY) (C. "A" H-981)

(H.P. 1398) (L.D. 1996) Bill "An Act To Prevent Unauthorized Practice of Immigration and Nationality Law" (C. "A" H-977)

(H.P. 1469) (L.D. 2076) Bill "An Act Relating to Payday Loans" (C. "A" H-982)

(H.P. 1484) (L.D. 2092) Bill "An Act To Allow a Second Opportunity To Elect Coverage under the State Group Health Plan" (C. "A" H-986)

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

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

Bill "An Act To Ensure the Long-term Capacity of Municipal Landfills" (EMERGENCY)

(S.P. 712) (L.D. 1795)
 (C. "A" S-539)

House as Amended

Bill "An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program"

(H.P. 1254) (L.D. 1814)
 (C. "A" H-934)

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

Bill "An Act To Protect Victims of Domestic Violence"
 (S.P. 739) (L.D. 1938)
 (C. "A" S-525)

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

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

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

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1218) (L.D. 1711)
 (C. "A" H-974)

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

On motion of Representative LERMAN of Augusta, was **SET ASIDE.**

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

**ENACTORS
 Acts**

An Act To Increase the Minimum Wage
 (H.P. 174) (L.D. 235)
 (C. "A" H-725)

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

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

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

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

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

ROLL CALL NO. 484

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Cain, Campbell, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Simpson, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W,

Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Burns, Crosby, Moore G, Schatz, Shields, Smith N, Stedman, Thomas.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification

(H.P. 1293) (L.D. 1853)
(C. "B" H-918)

TABLED - April 6, 2006 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **FINAL PASSAGE.**

On motion of Representative PIOTTI of Unity, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (H-918)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-988)** to **Committee Amendment "B" (H-918)** which was **READ** by the Clerk.

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A while back we considered a Resolve that directed the Department of Agriculture to do public outreach with farmers before the development of a state animal ID program. This item that is before you know amends that Resolve. When the Ag Committee considered this issue several weeks ago, it was before the most recent positive ID for so-called Mad Cow Disease, BSE. Since then, the feds have increased their intensity on this issue. Although Maine wants the department to reach out to farmers before moving forward, it is also just as important that we not let the feds get ahead of us. This amendment gives us some protection. What it does is it allows the state, Department of Agriculture, to begin taking actions if, and only if, the feds have taken action. Any action that this state would take would have to be in the form of major and substantive rules that would come back to the committee before anything is finalized. We think this is a prudent step that the farm bureau and members of the committee all support. Thank you.

Subsequently, **House Amendment "A" (H-988)** to **Committee Amendment "B" (H-918)** was **ADOPTED.**

Committee Amendment "B" (H-918) as **Amended by House Amendment "A" (H-988)** thereto was **ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "B" (H-918)** as **Amended by House Amendment "A" (H-988)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 849)
JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that affects approximately 7,000 people in Maine and approximately 1,500,000 in the United States, as well as their numerous care providers; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, and this disease causes a loss of cell function deep within the brain, which disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, the symptoms of Parkinson's disease are not well understood by or well known to the general public, and this situation creates distress and danger in the lives of Parkinson's patients; and

WHEREAS, the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all established at a central location in Falmouth, Maine; and

WHEREAS, the need to train, inform and educate health workers and police officers, firefighters and other public safety personnel is urgent, and there is a need to train hospital emergency room personnel statewide in the proper assessment of incoming Parkinson's patients; and

WHEREAS, there exists a network of 11 Parkinson's support groups statewide but only one neurologist specializing in this disease in the State of Maine, making access to treatment limited for prospective patients; and

WHEREAS, World Parkinson's Awareness Day is April 11, 2006, and the month of April is Parkinson's Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, commit ourselves to supporting all efforts by the Parkinson's disease community to close the gaps in services, training, education and care; and be it further

RESOLVED: That we recognize World Parkinson's Awareness Day on April 11, 2006 and that the month of April is Parkinson's Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine Chapter of the American Parkinson Disease Association and the MaineHealth Learning Resource Center.

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

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-947) in the House on April 6, 2006.

Came from the Senate **PASSED TO BE ENGROSSED in NON-CONCURRENCE.**

Representative WATSON of Bath moved that the House **INSIST.**

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

CONSENT CALENDAR

First Day

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

(S.P. 790) (L.D. 2045) Bill "An Act To Implement the Recommendations of the Commission To Reform the State Budget Process" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-570)**

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

(S.P. 789) (L.D. 2044) Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters " (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-575)**

On motion of Representative FISCHER of Presque Isle, was **REMOVED** from the First 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.

The House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Eleven Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-991)** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

(H.P. 1415) (L.D. 2015)

Signed:

Senators:

NUTTING of Androscoggin

BRYANT of Oxford
RAYE of Washington
Representatives:
PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
EDGECOMB of Caribou

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-992)** on same Resolve.

Signed:

Representative:

TWOMEY of Biddeford

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

Signed:

Representative:

SHERMAN of Hodgdon

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. I won't go into details. You have all seen the materials that have been circulated including that memo that was fairly exhaustive. We have all talked about this in caucus. I did want to make some comments at this juncture about the Majority Report.

The media has called this a compromise. In a way, I guess it is. I don't like to use that term because it implies that we have lost something here. That, I don't think is the case. We did not compromise Governor Baxter's vision to include Katahdin Lake into the park. We have not turned our backs on the sportsmen of Maine, nor put aside the need to acquire more land for hunting and public recreation. This is a bill that tries to accommodate interests.

Before we go any further, I need to speak of two things. First, I want to remind you what we are talking about here. We are talking about what is arguably one of the finest pieces of real estate in the State of Maine, if not North America. The views of Mt. Katahdin, from Katahdin Lake, the views of the lake from the mountain, are truly spectacular. In addition, this land contains some of the only remaining old growth forest in the east. This is a singular and extraordinary parcel.

The second thing I want to explain is why it is so important that Katahdin Lake be brought into the park as a sanctuary. The reason is because that is what Governor Baxter's vision was. It was clearly articulated in his writings, his speeches and in his actions. He tried repeatedly over many years to acquire that property for this purpose. The park authority will not accept that parcel if there are strings attached to it, which will not allow it to be a sanctuary. It is that simple. The fundraising, the private fundraising on which this plan depends will be jeopardized as well. Simply put, if the Legislature were to require hunting, the deal would die. That is the box that the committee found itself in. We could have gripped. We could have complained. We could

have said this is unfair. Instead, we worked hard to make something of it. We knew we needed to find a way to make it work, because we knew that there was so much at stake. This is clearly a once in a lifetime opportunity and we need to get it right.

The Majority Report preserves 4,000 acres as sanctuary around the lake. To compensate for this, it secures 10,000 acres for hunting and recreation. Two thousand at this time in fee and 8,000 at this time in an easement that allows public access and hunting with an option to either change that public access easement into a permanent easement or acquire the lands. In addition, the proposal will result in \$3 million in cash to buy new lands for hunting and recreation. Beyond that, the 7,000 acres of public lots, which are a critical part of this deal, they will be protected through continued forest certification and habitat protection agreements the same as the Department of Inland Fisheries and Wildlife uses now to protect deer yards.

I can understand the frustration that some have felt about this deal, particularly local people who were left out of the process. The committee worked hard to correct that too. Not only with the land changes that support local recreation and local access, but by directing the Department of Conservation to involve local people in a snowmobile planning process that will include the park authority and involving local people in the consideration of what future land acquisition deals make sense for the Katahdin Area.

Is it a perfect solution? Of course not, but on balance it is something to be truly proud of. Here is a way to think about it. We are trading 7,000 acres of scattered public lots, we have a history of doing this in the State of Maine. Some of our most significant public holdings, Sebomac Lake, the Round Pond Township, the bold coast of Cutler were pulled together by exchanging scattered public lots for other holdings of greater public value. That is exactly what we are doing here. It is 7,000 acres of scattered public lots in order to acquire 6,000 acres of the most spectacular real estate in North America. Plus, we are securing an 8,000 acre parcel through easement for additional hunting and recreation, plus we have \$3 million to purchase other lands over time. This is a good deal.

Ladies and gentlemen, we have a chance today with this bill to make history. We have a chance to honor a man who spent his life and his personal treasure trying to pull together a magnificent park that he then gave as a gift to the people of Maine. To whom much is given, much is expected. Let us today return that favor. Let us honor Governor Baxter, but let us also honor our future. Let us honor our children, our grandchildren, our great great grandchildren who will thank us for this action and thank us for our foresight and our courage. Finally, let us honor ourselves. Let us do the right thing. Thank you.

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

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

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion. First of all, I want to take just a moment to thank the Chair of our committee, the Representative from Unity, Representative Piotti, for his leadership in keeping us heading in the right direction, always keeping me involved in the discussions and the other committee members as well. This was a very difficult task that we had before us. Coming out of this with the vote that we had on the committee and with the

proposed bill that we have before you, I think that we have done a really, really good job.

I do want to take just a moment knowing full well that over the last several weeks all of us have received a great deal of information regarding this. Much of the information that we received was based upon the original bill, the same as in your committee, a lot of decisions are made and a lot of people are opposed and a lot of people are in favor based upon the bill that is before you and the one that is written originally.

This bill has changed a lot since we first received it. After hearing a great deal of discussion and testimony in our public hearing, the changes were made. I want to address specifically some information that we all received today on our desks from the Sportsman's Alliance of Maine. For full disclosure, I want to say first of all that I am a member of SAM. I am a registered master Maine guide. I have been ever since I can remember. I know a lot of you are as well. I am not really taking SAM to task for this, but I do want to straighten out a few things as I understand them. Many of the issues that the Sportsman's Alliance brought to us, we heard. We heard the message and we did make some changes. First of all, on traditional uses, although the 4,000 acres around Katahdin Lake will be a sanctuary, we have opened up many opportunities to the north. Another 2,000 acres will be open in perpetuity. We also have an option for the purchase of 8,000 acres and also we have an easement for recreational use and access.

There was information in there that spoke about lost revenues. First of all, the public lands are presently not generating any revenues for the towns. They will be on the tax roles for those towns now. The people who own these will have to pay taxes on them. That has been addressed. Again, I talked about the lost access and how we address that. Habitat was mentioned. Habitat has been addressed as well. Presently on the public lands, the Department of Conservation manages those, but with assistance from IF & W. The same guidelines, the same agreement that is in place now with IF & W, though the Department of Conservation will be carried through by the Gardiner Land Company. There were questions on sustainable forestry. The Gardiner Land Company has agreed to continue managing these, sustainably, the same as the Department of Conservation has. That takes care of that. Loss of snowmobiling opportunities was discussed. The fact is, there will be many more opportunities for snowmobiling in that region with the 8,000 acres and also the 10,000 acres and the agreement that there will be an opportunity for the folks in the Katahdin region to be a part of the discussions on where these trails would go and how they would actually manage these areas. That has been accomplished. They also mentioned the fact that people have been spoken to around the state and their issues. I have also talked to some of those sportsmen as well. I think after talking to them and after they have been made aware of the actual bill and what it actually does, many of those people feel differently now about this bill than they did with the original bill.

I guess the long and short of that is the issues that SAM has brought up have been addressed. I feel as though we have done a good job. I think that the committee has done a good job. I also want to take this time to thank all the members for working together and all of those people who brought information to us and worked with us on this project.

I had an opportunity to speak to one of the legislators that I have a great deal of respect for, Representative Adams, and he spoke to me today about this. It was an opportunity for us to be a part of history. I thought about that this afternoon and he is absolutely right. In years to come there will be people looking

back on what we did today. This is an opportunity for us to be a part of history. Thank you Mr. Speaker.

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

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was a great honor to work on this very worthy project with our ACF Committee and its very capable leaders. Throughout testimony and work sessions we often learned of and heard stories of the great Governor Baxter's vision and his achievements. I think he would be proud as am I for the struggle that the committee went through, the collaboration, the listening, the effort and our achievement in the Majority Report, details that were so aptly described by the good Representative from Unity, Representative Piotti, our chair, who did an outstanding job and my seatmate and lead, the Representative from Lincoln, Representative Carr.

Initially our committee heard almost exclusively public testimony of an all or nothing nature. It had to be one way or it had to be all the other way. The committee went to work to seek solutions that would actually work. As I described yesterday in an orange handout that I gave to the body, the process of achieving an acceptable and potentially passable solution was a bit like a skier trying to pass through the many gates of a downhill ski slalom race. No gate can be missed. There are many gates. Of the many very large transactions that I have worked on over the years, this one was unique due to the large number of gates. We needed to convince a very good landowner, many donors, the ACF Committee, local interests, many leaders, two-thirds of this body, two-thirds of the other body and finally, two-thirds of the Baxter State Park Authority. It is a very tenuous transaction.

The ACF Committee's intent was to forge a solution for all of the people of Maine, not for just the one or two most vocal proponents or opponents. I suspect there are always going to be concerns regarding changes and disposition and trades of public lands. I deeply respect comments from all of the interested parties and the experts. There were some outstanding people who provided testimony during our deliberations. We listened carefully to all of it, whether it was about the lands to be acquired at Katahdin Lake, the public lands to be traded away or simply a woman's absolute passion for the great Katahdin Lake or a local resident's need for recreational access to the old hunting grounds. However, the predominant comment voiced throughout this Katahdin project irregardless of one's position was this, folks, make sure you get it done. Don't blow it. We heard that repeatedly. These same folks proceeded to tell us there was only one way to get it done, their way. Eventually many people of many different persuasions offered very good information during the work sessions, the care and the compassion was obvious and people started to become very helpful.

We used the best information at hand. There was excellent historical data, some provide by Representative Adams whose testimony was very, very helpful. There was wisdom provided from experts from all walks of life. The teamwork of the committee was outstanding to bring a majority solution that I think will benefit Maine.

Like Representative Carr, I wanted to say that for the record I am a very, very strong supporter of the Friends of Baxter Park and their views. I am a long-time active member of the Sportsman's Alliance of Maine. Like Representative Carr, I am a master Maine guide and a member of the Maine Professional Guide's Association. I discussed this project with about 150 to 200 members of the association this weekend at their annual meeting. After speaking with them, I felt comfortable that they did feel okay, not necessarily great, but okay about this transaction. They had ample opportunity to burn this legislator at the stake

and I am glad that they spared me. Actually, they seemed somewhat appreciative of the imperfect solution that we crafted.

I regret that we cannot please every person in the environmental organizations, in the sporting community or every person in this great state. We have found a solution that achieves the objective by acclamation, that is, to say, folks, make sure you get it done. I believe we have done that. I wish it could make every Mainer happy. In the long run, I believe others will see the strength of our solution while viewing Mt. Katahdin in the fall or fishing on Katahdin Lake in the spring or hunting on 10,000 acres now permanently made available for recreational access and hunting. I hope we have achieved an acquisition of special places worthy of this body's consideration. Thank you.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is rare that I would rise to speak in opposition to the good Representative from Lincoln, Representative Carr, or the good Representative from Winthrop, Representative Flood. However, I think that before we vote on this issue, I think it is important that we go back and look at the history of what is happening. This is adding another 6,000 acres to public ownership. We talk about visions, Governor Baxter's visions, well, I would like to inform the body that he had a lot more visions than just adding Katahdin Lake to the park. He has a vision for water power in Maine, including Katahdin Lake. He felt that every lake and pond in the State of Maine should have a dam to catch the spring and fall rains. With strategic dams located on the rivers so that Maine would never have to look beyond its borders for water power. In today's world when energy is at a premium, it is unfortunate that we can only pursue that vision that he had for buying up land, putting it in public ownership as opposed to his vision for developing our waterpower. Of course today we know that there is a great move to take out our dams rather than put them in place.

Katahdin Lake and the Allagash, which we will be taking up soon are both issues which are not isolated issues. They all tie into a bigger picture of what is happening in the State of Maine. I think it is important that I add to a little bit of this history.

Four generations ago my great grandfather was cutting logs in the area around Katahdin Lake. They have grown back up since that time. Now we call it an old growth forest. It is not truly an old growth forest. When my family came back inland after coming over from Europe, one side of the family united with some of the people who are already here. One side of my ancestry has been in this Penobscot watershed all my life. I take exception when we start tearing it in pieces.

In 1990, there was a meeting at Tufts University in which they decided they would move the environmental movement from the northwest to the northeast. In essence, what they were looking at is 26 million acres from New York State across New Hampshire and Vermont into Maine. Maine's targeted acreage was 10.6 million acres. In other words, our unorganized territories. That was to be put together into a so-called northern forest region. It would be very highly regulated and very highly controlled.

Senator Lahey of Vermont then put in a bill called the Northern Forest Stewardship Act. It would have implemented this and put those 26 million acres under the control of the federal government. Senator Mitchell and Senator Cohen had hearings in the Bangor area on this proposal. Had they still practiced tarring and feathering, they would have been run out Bangor on a rail. The people there were very upset and did not want any part of this. It kind of died down a little bit. Later it was put in again. There was a House version and a Senate version. Many of us

who pooled together our efforts managed to get our two Senators to drop their support of Senator Lahey's bill. We weren't able to then convince our then Congressman to drop his support.

The movement that we followed that would have taken the 26 million acres away from those four states is still in operation. It is not dying. A few years back we had a bill presented to this Legislature called the wild land's bill, which targeted five areas within the State of Maine. One in Washington County and the rest of them in western Maine sweeping up to the border at the Allagash. That would have taken 4.32 million acres out of private ownership and put it under the federal government's control. Fortunately, that was defeated.

Where do we stand today with regard to the land grabs that is taking on to try to perform what is termed by the environmentalists as rural cleansing? In other words, the view and the lands are too good for you people who have been living there all your lives. It is time to move you out.

Let's see what we have. If we add this 6,000 acres that we have to our already accumulated lands, we find that a few years ago the nature conservancy purchased 185,000 acres up near the St. John River with the stated intent to swap parcels of land so that they could control that watershed. We have approximately 400,000 acres that is tied up in conservation easements known as the west branch proposal. Baxter State Park is about a quarter of a million acres. The Quimby lands, two townships plus, so about 46,000 acres. We recently had a deal in Washington County that tied up 1 million acres of land. That was done very quietly and slipped in under the edge of the tent so that we wouldn't know it was happening. We now see that the environmental groups have brought Plum Creek to their knees and instead of putting a conservation easement on 400,000 acres for 30 years, which is the way they were set up, one generation, because the next generation doesn't know what they are going to need for land use. It is now going to be put aside in perpetuity.

The Passamaquoddy lands and the Penobscot lands are already designated federal lands so they feel that they have control of those already. In the federal budget there was money set aside for the purchase of 42,000 acres in the lower Penobscot watershed with 11,000 acres being set aside for the nature conservancy to be a reserve. We have seven watersheds that are tied up with the listing of a unique species of Atlantic Salmon. I don't know how it can be unique after it has been stocked for over 200 years, but that is what they ruled. We have the water reclassifications around the blueberry lands in Washington County. We have the Allagash Waterway, which is approximately 35,000 acres. We don't know how many acres are tied up now in land trusts.

In summary, I would like to quote a lady that I have a lot of respect for and that is the former Representative for the Penobscot Indian Nation, in which she said, "We watched our land and our resources disappear. We watched land sales happen without including us. That has already happened to us." It is exactly what happened to the tribes. It is exactly what is happening to the people in rural Maine. They are not being consulted when these sales or anticipated sales are happening. This has been in the works for about three years, but did not surface until this session of the Legislature. It is obvious that it was done behind closed doors to get to this point. I have the utmost respect for the Gardiner Family and their taking care of the lands. They are good stewards of the land. However, I agree with the senior member of the family who was not for this transaction in the first place. I quoted that to his son who is now the manager of the operation.

I hope that you will take that history lesson to heart and realize that this is not an isolated incident. It is changing more

ownership of land into public ownership. Six of the pieces of the property that are public lands that are listed to be turned over to Mr. Gardiner in my district, three in Penobscot County and three in Aroostook County.

I have a question. The land that is being sold has a price tag on it of \$13 million. That means that the taxes that go to the unorganized territory are based on that \$13 million with tree growth taken into consideration. I wonder what the tax base is going to be for those three towns in Penobscot County that are going to be swapped in that county for it and the ones in Aroostook County? Can anybody answer that? I certainly would appreciate it. Thank you very much.

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In response to the question by the Representative from Crystal, Representative Joy, there are 7,000 acres of public lots, which are part of this transaction. They have a value of \$5.5 million. The other lands are private lands, \$7.5 million are private land. Of those public lots, right now if you are in an established town, you receive revenue sharing. Wood is harvested on those lots and you get a chunk of that. There is some income to the towns from that. However, once that land is sold to the Gardiners, those lands will be put on the tax maps and those towns will receive tax revenues instead. The Department of Conservation did an analysis and that analysis showed that the amount of income that the towns will receive in taxes will be greater than the amount that they were receiving for their share of revenue from timber harvesting.

While I have the floor, I would just to make another comment. It was noted that the State of Maine has a lot of conservation lands. We do, when you think about the number of acres in our percentage of public lands conserved we are one of the lowest, if not the lowest state in the nation. I also want to point out that all of these transactions have involved willing seller and willing buyer. It has been an exchange in the public market place. Much of this conserved land are easements on forest products land, which is active working land that serves the economy of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this motion. I think I am the only one on the Ought Not to Pass report. Representative Joy really laid out some of our concerns, the number of acres that have been set aside. In Washington County there is a million acres if you count the portion in New Brunswick that has been set aside. They are talking about forever wild. There is pretty close to 3 million acres under some sort of restrictions in this state. If this were the last of these parcels, I think I would vote for it.

The first three speakers are well coordinated and I am not going to get into quibbling of how they interpreted things. We all saw a number of facts. We had a little different slant, maybe because of history, maybe because we didn't have a dog in this fight. I would add some things to the debate, I hope.

Twenty-seven hundred of these public lots are in southern Aroostook County as Representative Joy just mentioned. My folks who hunt there say these are some of the few places in southern Aroostook County where deer can survive. There are deer yards there. Some of them are 100 acres. Some of them are 250 acres. If Mr. Gardiner, which he has every right to do, goes in there and cuts in there, I am not sure what is going to happen to the deer that are there.

We had a fight the other day about Walmarts along the coast. The towns want the ability to restrict the size of the Walmart stores that were coming in. It seems to me that the flip side of that is 200,000 or 300,000 people live in rural areas ought to have at least some say in what is in their back yard.

Comments around Governor Baxter, if you read the history of Governor Baxter, his first attempt at the Baxter State Park was taken by imminent domain in 1921. The Senate said, no way, Mr. Baxter, you are not going to do it. He devoted the next few years of his life to pick up six townships, it was well beyond six townships, you are almost at 200,000 townships. He was a practical man. In the last few years he negotiated with the companies that offered some of the land to the northern part of the park. There is about 20 percent of the Baxter State Park that is open to hunting. There was some wood use there for 20 years. This may have been his dream about Katahdin Lake, but it was not well elucidated in his writings. It was in one place.

Part of my concern is, talking about snowmobiles, which is part of the issue for the Millinocket people and some of the Greenville people, if we are going to lose our forest products industry, you need access to the trails and you are going to have the Department of Conservation talk about negotiating some access around there and I get a little nervous that they have been negotiating in private for three years now and suddenly they are going to come to the board and say we are going to talk about the snowmobile access. By the way, there is another to the east of Katahdin Lake, there is another 8,000 acres and we will put some paper on that that says there is an easement there. My concern is that should be a more solid kind of negotiations.

Another comment and it really relates to Representative Joy. We are going to see more of this, this setting aside of land. You get all excited about a small little piece of land. It is a 700 acre lake. It is not going to disappear. It was put there by the glaciers a few years ago. Depending on how long it takes global warming to either decide whether it is going to be or not, the glaciers will be there in a few years. People going into the park, there are less and less people going into the park. If you are talking about Millinocket living off the fewer and fewer people going into the park, it is not going to help the Millinocket area. I don't believe that. I could list all the pieces of land that these out of state groups and out of state affiliations have bought, but it scares me when you are setting aside a couple million acres of land. If they threw up the stop sign and said, yes, we are done in '07 and '08 and we won't come back for anything else, I would be happy to say, go ahead, 700 acres of Katahdin Lake, which, by the way, is going to have float planes on it still. I am not sure that is still in there. I don't know whether that is in or out. Pat McGowan has a float plane. I don't know if he wants to respond to that. He is outside listening here someplace.

There are details that were not hammered out. If Cathy Johnson got up and swore that they would go to Florida and help them preserve the wetlands down there, I would be very happy with this. You are going to have a coming debate, I think that deals with the Allagash and you may hear some of the same concerns around what has happened to the Allagash. We were threatened with lawsuits on that one. That is debate for another day or later in the evening. Thank you.

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. I do want to be on record for this issue. I am so glad that Percival Baxter had a vision. The Legislature back then did not have his vision. They did not see fit to set public lands aside for the people of Maine,

everyone who lives in the state. I, for one, have taken lots of advantage going to Baxter State Park and enjoying hiking and sleeping under the stars. I want my grandchildren to have that same availability. Thank God for Percival Baxter who cared about the people. He started to buy the land himself piece by piece. How many of us would do that? How many of us are visionaries for the poor who can't have a camp? My parents couldn't afford a camp. The only thing we could do is pack up the car and put in our sleeping bags and our tents and off we went. What we got when we got there is we never knew we were poor. Our spirits were filled. We slept under the stars and it was the most beautiful time of our lives. I want everyone to have that opportunity. We are losing land, indeed, to people like Plum Creek and developers and people that just want the bottom line. There is more to this state than that. We are Mainers. We care about our land and thank God we will have this in history. Please, my e-mails have been running 10 to 1. They love this. I didn't go with the majority. I was the purest. I didn't want the hunting a half a mile from the lake. There were lots of issues. In the end of the day, I will be voting for this. This is in honor of my husband, who I have enjoyed for many years having gone and slept under those stars. I am so proud that I can push that button today. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me make one thing perfectly clear. No matter what is said here today, Baxter Park is not going anywhere. It is still going to be there tomorrow. If you want to sleep under the stars, you are going to be able to sleep under the stars. If you want to go camping, you are going to be able to go camping. The park is not going to go anywhere, no matter what we do here today. I want to make that very clear. No matter what you hear or the rhetoric that is being said, the park is still going to be there.

Very little has been mentioned about the public lots. Being in the military for a long period of time, we always used diversion. If you ever want to get your enemy, you divert them. I can tell you right now the main jewel of this whole thing is being left off to one side when it comes to the public lots. Yes, I could roll over and die and fall into this and say it is a good idea for the people of the Katahdin area, but let me tell you that the people in the Katahdin area wouldn't be there today if it wasn't for the pressure that we put on the committee through resolutions from three towns and the people outside the area saying where is our turn at the table? Why have we been left out of the picture? Why didn't we know what was going on? Even the legislators in the area didn't know. The DOC came to me about a week before the bill was printed and showed me a video and wanted me to sign onto the bill. They have been negotiating this for three years. Ask yourself, where is the money coming from? Why won't they disclose it? Why won't they give us an idea where this money is coming from to take away your heritage of traditional use? Ask some questions.

Some of you were saying the other day that this is probably the best deal of the century. I call it the best steal of the century. We are giving away something and getting nothing in return. Take a look at the area that is being given away, the 6,000 acres. You are giving up probably 10,000 for 6,000 traditional use. We are giving a lot away in this state. Think about what you are doing. Take some time. Let DOC go back to the board. This has not been the first time that this area has been up for sale. Irving wanted to see it a few years ago. Where was the state then for a lot less than \$2,100 an acre? Can you imagine what is going to be sold up there and the cost of that acreage if this goes

through? Think about it. Think about what you are doing this evening. Send it back to them. Let them work something out. The Gardiner Family is a real good family. I know them well, as well as Mr. Carr knows the family. They are in our area. They come through where I work every day. I see their trucks bringing pulp in. Think about what you are giving away. The public lots, some of them haven't been cut in 50 years or better. You are giving away a lot. You are using the diversion of Baxter State Park doing it.

Yes, I could get on board. There is no guarantee on traditional use on that right of way they want to buy. Where is the money coming from for that? There is a lot of questions to this. We are sitting here and people ought to be asking that committee the questions of what have taken place on this transaction. Once you lose it, you are not going to get it back. Take a look at the map. Some of you probably want to take a look up in the area and see what is going on up there in cutting. It will scare you half to death. Where was the environmental people then when that place was being annihilated, but we want to give it away. We want to give the public lots away.

I know this is only one procedure of a whole lot of procedures that are going to take place today. I want to put DOC on record. You haven't been a good player in this game, DOC and commissioner. You left a lot of key people out of it. We could have made a lot better bill if you brought people into it. I don't think you would have the diversion that you have today. You would have a lot more people on board. I think the sportsmen and the people of the state would live with a lot better than what they are going to be living with today. Thank you very much, Mr. Speaker.

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

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

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Eighty-five years ago on the 27th of January, 1921, to the Fish and Game Association of the State of Maine, in this very hall from the predecessor of our Speaker's very podium, the President of the State Senate - soon to be Governor in a few days because of tragedy, the death of his predecessor - spoke to a congregation about as large as this in the seats that then stood where ours do now. Governor Percival Baxter had been born in the very district that I now represent. I will refer to that fact a little later on. I had the good fortune to be his friend when I was a little boy.

He would be the first to tell you that it is not the hand of the dead that should govern our affairs. It should be the hopes of the living. Governor Baxter was a politician. He was like you or I. He was not a saint in a three-piece suit. He had hard edges. When they bumped against you, they would hurt, as you would find, not surprisingly at all, in the literature of the day about him and the fights that he conducted in this hall so long ago.

He had a great sense of his own importance. He left behind careful publications that might give us some idea of what he thought. We know what he dreamed of. We know he also understood that people did not always care about dreams. They were never moved by them or oratory that concerned them.

He, on the other hand, would have been acutely aware that you and I are doing something tonight that has never been done in the history of the State of Maine before. Governor Baxter conducted all affairs alone, and in secret, with a series of attorneys, for the purchase and assembly of the park that cost him everything. His political career, his personal fortune, his

aspirations to be United States Senator, dreams all went down in front of this one hope of his dreams. All his great accomplishments in public life came outside public office. The Legislature that he addressed in this room many times rejected every one of his plans to assemble a park in the north woods of the State of Maine for many of the same reasons that we have heard tonight and will hear as the debate continues. Only this time has the public and we, as his heirs, as politicians, played such a role in the debate and in the shaping and in the purchase and in the final result of the issue before us today.

Ladies and gentlemen, no one has sat before where we do tonight. The wheel of time has turned. It brought us all here tonight. Fate or fortune or accident put us each in our seats tonight so that we, alone, of all Mainers, across all time, will now make a decision for all future Mainers, those unknown and unborn, all those who will follow us. The chance to do so comes but once. As the words of the prophet reminds us, no one will ever step in the same river twice. We have but one chance to seize the day. We will not have a second. The owners of the tract in doubt tonight have made one offer. They will not make a second. Before we lean forward in our chairs to press one button or another in a moment or two, I urge us to consider. Now I know that there is much that some might find objectionable in the deal offered tonight. It is offered only once. Consider what is at risk in the days that will follow you or I, do what we will. If the answer is "No," and our objections overcome the future obstacles and overcome our future hopes, then it has been made clear, the land in question will be cut to the legal limit of the lake in question, be sold into house lots and kingdom lots. The mountains will be scalped. The lakes will be made private. The roads will be closed. There will be no hunting. There will be no ATVs. There will be no snowmobiling. There will be no hiking. There will be no trapping. There will be no view. There will be none of our descendents there using the land.

You will have the opportunity - for it will take no more than that - in a couple of years to stand there with your grandchild as the tail lights of the Volvo with New Jersey plates goes down that private road, behind the locked gate and you can say to your grandchild, "you know it might have been a little different if that vote had gone differently." You may stand there with your own child and say the same thing or, my friends - because it will take no more time than that - you will stand there with your own spouse and say "things might have been different for you or I if that vote had gone differently." It will take no longer than that. For you and I, it may have been a different outcome if the vote had gone differently than what we may cast tonight.

Ladies and gentlemen, Maine has what the world wants. Maine has those things that everywhere else the world has sold off or thrown away or held lightly or discarded cheaply. They want what we have. They will get much of it in changing times, but they will not get all of it, if we are wise tonight about decisions that we must make for such things in the years to come that you and I will not live to see. Money comes, money goes; beauty fades and is gone like a summer sunset; death pursues us all. But some things stand as the Earth stands. They are indifferent to our small concerns. They are obedient only to the long reach of time. Beautiful words, high intentions, failed hopes, they are indifferent to them all. They come and go. They are lost forever like the leaves of last autumn, like the waterfall of last spring, like the wind across pamola last night. They are gone. They are past. They are history. We cannot bring them back.

The birthplace of Governor Baxter in my district is today a parking lot, the greatest of all possible ironies. He has no grave. He was cremated. His ashes were scattered from a plane over

the park. Neither a final resting place nor a birthplace remains to mark his passage through life. Only the deeds that he did remain that cost him every bit of political privilege that as an active politician, like you and I, he sought and lost. Yet, he is remembered for what he did. Can you name me one of his immediate predecessors? Can you name me one of his immediate successors? In politics he may not have been successful, but in the only life that we have, so far as we know, he did all that he could to prove that one life well lived makes all the difference. You and I will not be remembered beyond the yellowed pages that carry the print of our debate tonight. As individuals we will never be remembered should the measure before us tonight succeed, but collectively we will always be blamed if the measure before us tonight fails. Out of the mouths of our own grandchildren who could have had what they deeply desired, and what the world took from them in our own day, because we voted a certain color tonight.

Governor Baxter kept a copy of a book that had been precious to his father. It was the "*Rubaiyat*" of Omar Khayyam. His father was the mayor of Portland. He was a deep reader in such things, which Governor Baxter, necessarily was not. He had underlined these lines in the "*Rubaiyat*" of Omar Khayyam: "The Moving Finger writes, and, having writ, moves on; nor all Piety or Wit shall lure it back to cancel half a line, nor all your tears wash out a word of it."

Very few of us can do anything to reach far beyond our own lives. He did. He was a politician like you and I. He would know exactly what you and I are doing tonight. We will get no second chance. In a few moments you will rock forward in your chair and hold your hands over three colored voting switches. Which of the two that matter that you are going to push will make all of the difference to the Maine that your children, your grandchildren and yourselves will live in. I hope we will seize the moment, seize the deal, seize the hope, not because of what a man long dead would tell us we should do, but because the man who sacrificed everything and who was a politician just like us proved could be done with the short compass of the years each of us have.

I am urging you and hoping you will vote green. I can do no more than remind you of the moving finger of time. For good or ill history will record on a page that will eventually go yellow in a library exactly what you and I will do in another moment.

Let the last words be his, but the conscience be yours. In 1921, from that very podium he said, "By day man stands spellbound in the solitude where man himself is but an atom at the base of one of nature's noblest creations. By night he is inspired by the majesty of the moon as it rises and moves westward in a stately curve over the serrated peaks, which throw themselves up into the deep hue of the night as though to join the company of the stars. Maine is famous for its 2,500 miles of sea coast, countless islands, myriad of lakes and ponds, forests and for its rivers, but Mt. Katahdin Park is the state's crowning glory, a worthy memorial to commemorate the end of the first and the beginning of the second century of Maine our state's statehood. It will in time, though we may not know it now, prove a blessing to those who follow us. They will see that we built for them more wisely than our forefathers did for us." With those words, as you rock forward in your chair tonight, look into your heart, and the world of your children. I hope you will join us by voting green. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I applaud my good friend, Representative Adams, he gave you some excellent history of Percival Baxter. I had a séance with him yesterday

afternoon and I can understand where he is coming from. Let me assure you that even when Mr. Baxter got older in life, he realized he had to compromise. He realized he couldn't get everything he wanted. He realized he had to give a little bit. I think we need to give a little bit also. I hope if you don't do anything, that you cast your red vote here today to give the ones in the gallery, the DOC people and the commissioner a message that we will not operate under the cloak of night. We will keep people informed of what goes on. Thank you Mr. Speaker.

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

ROLL CALL NO. 485

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clough, Collins, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bierman, Blanchette, Bowles, Bryant, Cebra, Clark, Cressey, Crosthwaite, Driscoll, Fischer, Fitts, Grose, Hall, Hamper, Hogan, Jackson, Joy, Lansley, Lindell, McFadden, Paradis, Pineau, Pinkham, Richardson E, Saviello, Sherman, Trahan, Tuttle, Vaughan.

ABSENT - Bliss, Crosby, Millett, Moore G, Shields, Stedman, Thomas.

Yes, 115; No, 29; Absent, 7; Excused, 0.

115 having voted in the affirmative and 29 voted in the negative, with 7 being absent, and accordingly Report "A" Ought to Pass as Amended was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "A" (H-991) was READ by the Clerk.

Representative TUTTLE of Sanford moved that the Resolve and all accompanying papers be COMMITTED to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

The same Representative moved to TABLE until later in today's session pending his motion to COMMIT the Resolve and all accompanying papers to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

Representative TARDY of Newport REQUESTED a roll call on the motion to TABLE until later in today's session pending the motion of Representative TUTTLE of Sanford to COMMIT the Resolve and all accompanying papers to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

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

Subsequently, Representative TARDY of Newport WITHDREW his REQUEST for a roll call on the motion to TABLE until later in today's session pending the motion of Representative TUTTLE of Sanford to COMMIT the Resolve and all accompanying papers to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **TABLE** until later in today's session pending his motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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 Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I applaud my good seatmate behind me in making the motion that he did. I think what he wants to do is the same thing that a lot of us want to do. We want to slow this train down. It is going a little bit too fast. I don't think a lot of members of this body understand what they are doing. There are major consequences down the road. You are giving up a lot. Take some time and read what you have in front of you. Take some time to think it over. Take some time and do some soul searching inside your heart. I can tell you right now that it is going to live with you for a long time no matter what we do.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will submit to this body that perhaps no bill has been worked as much as this one.

The **SPEAKER**: Would the Representative defer? Why does the Representative from Millinocket, Representative Clark rise? Mr. Speaker, I was not finished with my debate when he got up to speak. My apologies. Would the Representative defer for a minute?

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is too bad we are getting into this kind of posture with one another. Yes, the committee has worked hard. Yes, the committee has put a lot of time into it. How many here have to depend on what the committee does. It doesn't take a lot of time to do a little bit of the study on what has been put forth to you. Look over the material. I still think you are missing the picture. We are giving up a lot for what we are getting in return. Yes, I want to help Percival Baxter. Yes, I want to help the people in my area, but I want to make sure that they get a fair shake. I want to make sure they get a fair deal. Nobody is disputing how much work this committee has put into it. I understand where the good chairman is coming from. You get a lot of paperwork across your desk everyday. How many of you really take time to look at it? How many of you really take time to read it? That is the only point I want to put across to you. I applaud my good seatmate behind me trying to slow the train down a little bit. I understand what it is like, spending 19 years here on how fast that train can roll here during the 11th hour of the session. A lot of times, I can tell you, from past history it doesn't make good legislation. It comes back to haunt us. Think before you push your vote. Take some time.

The **SPEAKER**: The Chair would like to take a moment to apologize to the Representative from Millinocket, Representative Clark, for ending his debate time before, in fact he had desired to do so.

The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also apologize to the Representative from Millinocket, Representative Clark, I had believed he was done. In addition to the comment I was making about this bill already having been actively worked, I believe the figure in the paper was over 80 hours. I am not sure it was that much. It was a lot. We spent time. Representative Clark was present at many of those work sessions as were other members of the Legislature. It was much more than just our committee. On top of that, this is not an issue that is new to anyone. It has been in the papers actively. Last Friday, a very detailed four page memo going into all of the particulars of this bill was left on your desk. Sometimes we lose things on our desk, but I also rose and called that to your attention. I think there has been more advance opportunity to learn about this issue than almost any other issue that we have dealt with this session. In addition, both caucuses have spent considerable time on it. On top of that, all we are doing is going through a first reading. We are not trying to push to a second reading today. That is going to be tomorrow. You have another day to do more research and talk more if you like. I urge you to oppose this motion to Commit.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Resolve and all accompanying papers to the Committee on Agriculture, Conservation and Forestry. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 486

YEA - Bryant, Burns, Cebra, Clark, Crosthwaite, Daigle, Davis K, Driscoll, Fitts, Grose, Jackson, Joy, Lansley, Lindell, Marraché, McFadden, Merrill, Paradis, Pineau, Pinkham, Richardson E, Richardson M, Sherman, Tuttle, Vaughan, Wheeler.

NAY - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Churchill, Clough, Collins, Craven, Cressey, Cummings, Curley, Curtis, Davis G, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McCormick, McKane, McKenney, McLeod, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

ABSENT - Bliss, Crosby, Millett, Moore G, Shields, Stedman, Thomas.

Yes, 26; No, 118; Absent, 7; Excused, 0.

26 having voted in the affirmative and 118 voted in the negative, with 7 being absent, and accordingly the motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY FAILED**.

Subsequently, **Committee Amendment "A" (H-991)** was **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, April 12, 2006.

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.

SENATE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (S-559) - Minority (1) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Make Adjustments to the Allagash Wildemess Waterway"

(S.P. 811) (L.D. 2077)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-559)**.

TABLED - April 10, 2006 (Till Later Today) by Representative **PIOTTI** of Unity.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-559)** was **READ** by the Clerk.

The **SPEAKER**: I want to publicly thank the members for their quick action and response in regards to the actions which occurred in the gallery. I was made aware of the potential for such a display. As a result, I asked that the State Police post a detective, not one in uniform, of course, but one that was in plain clothes in order to prevent any harm that might have come to any of the members here. I appreciate your cooperation. I appreciate your quick action in clearing the House. As soon as you cleared the House, the woman who was chained to the railing, said, "Don't go get the bolt cutters. I will just give you the key. There is nobody here now to listen to me." I appreciate you doing that. It has assisted us here today.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The recent events were distracting as my committee was viewed as partially responsible for the demonstration. The press had me cornered. In any case, I do have high regard for the members of the Agriculture, Conservation and Forestry Committee. I attended some of their deliberations over this bill and appreciate the challenges that they faced. It was a difficult bill coming late in the session, an after deadline bill. Many of us were focused on other pressures in our own committee work and what have you. I must speak in opposition to this bill. I will try and be as concise as I can.

I have tried to think about the bill in terms of my own district where Acadia National Park was created in 1917 nearly 100 years ago through the donation of private lands that were preserved for public enjoyment. It included many of our mountains and lakes and oceanfront that otherwise wouldn't have been available to the public. Even though that was created and many of us appreciate having Acadia National Park, it is no surprise that some of our local citizens actually resented the creation of the park, the overlaying of a park on their once private lands.

Many changes have taken place in the park. In 1917 there were no cars allowed on Mt. Desert Island. The residents didn't want those new fangled things. Mountain bikes hadn't been invented. Float planes were uncommon. Cruise ships were not discouraging 4,000 passengers on our shores on blow. With time,

the park needed to change and adjust its management to deal with those new pressures, cars, mountain bikes, etc. The park formed an advisory committee for Acadia National Park to advise the superintendent and the staff at the park on all of these matters to try and find consensus on these issues that regularly come up and to recommend policy. Those policies are then passed. The superintendent of Acadia National Park does not run to Congress every time we want to move a parking lot or decide when the carriage trails are closed because they are too mushy in the mud season for mountain bikes to run around on them, etc. We make the decisions locally and collaboratively through an advisory group.

In 1966, more than two-thirds of the people of Maine supported a referendum to establish the Allagash wilderness waterway. They voted in that referendum to maintain "the maximum wilderness character of the Allagash." It is my belief that the provisions in this bill violate that referendum of the people of Maine.

Much has changed in the years since the Allagash was created. Snowmobiling has become popular. ATVs have become popular and there are more logging roads capable of moving more people around the north woods. An advisory council, much like the Acadia National Park Council was formed to advise the DOC on planning and policy questions and to help shape agreements and to keep the peace in Acadia National Park. These advisory groups continued to review and renew all kinds of policies. You can't please all of the people all of the time. We can't do it in Acadia National Park and I guess we can't do it when it comes to the Allagash, unfortunately.

It was just about three years ago in May that I was invited to participate in something called the River Drivers Agreement. Probably because I had about 40 trips down the Allagash over the last 30 years and had advocated for continuous quality improvement of the waterway, I agreed to go. Commissioner McGowan asked me to attend. While I appreciate very much my visits to the grand city of Millinocket, I wanted to stay home and be in my garden that May day. I can assure you of that. I told my wife I would rather be in the dentist chair than argue about the Allagash one more time.

I went to the event. I dreaded being at the event, Allagash River Drivers weekend and I was wrong. I am happy to say I was wrong. That agreement brought people together with different perspectives. Over a period of two days, we were able to share those perspectives and come to some common appreciation of the values we all shared, the affection we all have for Allagash wilderness waterway. From that basis, we were able to move forward and come to some conclusions on agreements about the waterway, including opening up access on John's Bridge. That had been a divisive issue for at least 15 years that I can remember. I have been to many hearings with the good Senator from Aroostook on the other side of me. I dreaded having to chair a committee with him. He was very forgiving of my positions. In any case, we came to agreement on a number of issues and I thought that was great. Issues like this are a matter of historic contention. We still have issues at Acadia National Park for almost 100 years now. We are certainly going to have issues on the Allagash.

The shelf life for these kinds of agreements is not three years or five years or 10 years, no more than it will be for the Palestinians or the Israelis. It is going to need to be renewed all the time. Unfortunately with 20/20 hindsight, I must say that the River Driver's Agreement should have been brought back together or some facsimile thereof should have been brought back together to settle this out of court and not make the Legislature the court of first resort, but of last resort. We haven't

even gone to the court of first resort. We haven't gone to the advisory committee on the Allagash. We haven't gone back to the River Driver's Agreement.

I will wrap this up. From listening to comments in the work sessions in Agriculture, Conservation and Forestry on this issue, I came to fully appreciate that there were some issues that we ought to revisit in the Allagash River Drivers Agreement. I think there would have been empathy to resolve some of those differences. Instead, we ended up with an after-deadline bill. I didn't even know there were resentments until I read something in the *Bangor Daily News*. I think it is regrettable.

All the people of Maine hold the Allagash close to their hearts as they do other extraordinary parks and public lands. I was trying to imagine what it would like if Maine voters faced another referendum on the question of the Allagash, let's say in 2007 or 2008, and it said, should the State of Maine manage the Allagash for maximum wilderness character?

Mr. Speaker, ladies and gentlemen of the House, do you suppose the Maine citizens have changed their mind on this issue. Thank you.

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 would like to rise today to support the people of the St. John Valley and the people of Maine that want to access the Allagash River. This bill that is before you now is not a mistake. I think it is the conclusion to several years of controversy and bad blood between the people of the Allagash region and environmentalists.

I would like to tell you why I think this bill is one of the more important ones that we will see in the debate between land users. The issue that is before you isn't about protection of the Allagash. It is not about protecting resources or conservation. What this is about is the conflicts between users of the Allagash. What this bill does is it clarifies, through statute, what can't be negotiated through advocacy groups. This group that is being put together has been put together to come to agreement, the log drivers agreement. I don't believe it brought everyone to the table. I have been in this Legislature for eight years and have been on the Inland Fisheries and Wildlife Committee. I know our committee wasn't included in the discussions that the river drivers had. The problem with the River Drivers Agreement is that since the agreement was put together things have changed. There have been misunderstandings and there have been people that believed one thing and something changed after the agreement was finally finished.

Some of the folks that didn't want their name included in the agreement, and I want to read their names, because they are pretty powerful and influential people that had agreed to this, but had changed their minds after these confusing changes to the plan: Senator John Martin; Representative Troy Jackson; Gary Pelletier, retired game warden; Peter Hilton; Barry Ouellette; Richard Kneeland, former Senator; former Representative, Joe Clark; Phyllis Jalbert; George Smith; John Cashwell, Seven Islands. These folks believed that their agreement was violated and pulled their names off the agreement.

What happens, ladies and gentlemen, is when folks have a gentlemen's agreement and it is violated, the only thing that they have to do is to walk away. These folks have walked away. Now we are left in a dilemma. There is still the issue of the conflicts between the locals and the environmentalists who would like to see the river wild and scenic. What I had experienced when I went to the Allagash with Representative Jackson and met with his folks earlier this year was an enlightenment. My enlightenment was learning about the traditions, the cultures and

the heritage of the people of the St. John Valley and how the Allagash intertwined with that culture and heritage.

These folks, not just one generation, but in some cases three generations of families had grown up on the river. To hear their stories of being driven off the river to restore it to wilderness were heartbreaking. To hear Representative Jackson's family tell of their trials of losing their dad and his commitment to the river and the sadness that he felt seeing the direction that the river was going was heartbreaking. It moved me and it committed me to supporting the people of the Allagash. The issue that is before us is vital for one reason. It restores the voice to those people who feel that they have lost their voice.

Ladies and gentlemen, environmentalists have money and they have power. They can be here every single day. They can put their money into grants to achieve their goals. They can send somebody here to lobby every single day. The people of the St. John Valley live six hours from here. That is a long ride to come and testify at public hearings. They don't have a voice here. Their voice is sitting in this chamber right now. That is you. When things get out of control, they have to come here. It is their only option. That is what you have before you today. You are giving a voice back to the people of the St. John Valley. I know when I have to make a choice, ladies and gentlemen, I will stand with the people of Maine and the folks of the St. John Valley.

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

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in favor of LD 2077. I have made a list of the things that the bill does and does not do.

I will start with the second column, does not do. This bill does not threaten in any way the access to a very famous river. Secondly, it does not diminish the quality of experience for the canoeists and others who would use the river. Ninety-Seven percent satisfaction on the last survey. I think that will remain, if not higher. Thirdly, it does protect the baseline as set in 1970 as far as number of bridges.

What it does do, this is very important, respect the local culture and tradition. We are in danger here on this whole issue of repeating the tragedy that was done to the Native Americans that was alluded to by my good friend, Representative Joy, on the previous bill that we discussed today. It enables the local working people reasonable access to a beautiful river for most of the people in that area and I am one of them. They work very hard. They don't have the money. They don't have the time to take the whole ride and enjoy the 92 miles, but they should have the time to access that river at certain points and enjoy at least parts of it. The bill also strikes a balance among the different interests and that included business, lumbering, out of state, in state or down state people coming in and enjoying the river. The natives have never threatened those people. We are kind to them. We will help them in any way that we can. It allows for year-round residents to maybe, just maybe, stay in the area and earn a living. The numbers are being threatened. Our districts keep expanding because of population loss. Let's not compound the problem, please. Vote green on this one. Thank you.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. This is a 12 to 1 Majority Report. This is a bill that is about a beautiful river that many, many people love and unfortunately many of these same people spent a lot of time fighting over. It is a sad story. Local people feeling like they don't have access to the lands that are part of their heritage.

Other people who aren't from the immediate area, but who still have a very powerful connection to and a great love for the Allagash, those people worrying about losing this special wild river as a place that they can enjoy. There are tensions. Some of those tensions are beyond what the parties themselves can solve. So, it has come to us, the Legislature.

Through this bill the Legislature steps in to clarify access points and bridge crossings. In the selections that we have put into the bill and what we didn't put into the bill and how we did it, we have obviously pleases some people and upsets others. Beyond this, some people, appropriately, have a problem with the Legislature getting involved in this kind of micromanaging of issues that, in some people's minds, should be left to the Department of Conservation instead. In a way, I suspect, many members of the committee feel this. We don't like to micromanage. In this case, sadly, we did not feel there was an alternative. That is why you see this bill and you see this particular committee report. Thank you.

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

Representative DUCHESNE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to be on the record so that 40 years from now when we are debating the future of Allagash again, people will be able to look back and say that Bob Duchesne was here. We are going to debate this for years, I am sure.

Until yesterday, I wasn't even sure on where I was on this bill, whether I was going to go green or red. My district is a rural district. It is north of Bangor. We don't like being told what to do in our backyard either. If you don't believe it, just bring me another bear baiting bill.

I was wondering why I hadn't heard anything from my constituents on this in favor of the bill. Instead all I really hear is don't do it. Mr. Speaker, I guess if you are a Mainer no matter where you are in the State of Maine, you are a little different. You don't think that driving a truck onto the ice is weird. At the convenience store in the dairy case, you don't think it is weird to have milk and night crawlers side by side. There is a little piece of wildness in all of us. This is a statewide issue of concern. It was appropriate to put together a stakeholder group to try to solve some of these issues. It was a good process. Apparently it didn't fix them all. Fine, let's do it again. Let's send it back and get all of the stakeholders together and do the fixing. The Agriculture Committee did a great job on this. I think you can take a lot of those recommendations back to a stakeholder group and use them or at least hash them out a little more. That may be time consuming. It may be messy.

One of the messiest disputes was voted on here last week. Does anyone remember it? It was the coastal sand dune rules. Two years of really bitter, divisive controversy. This wasn't about where to put your canoe, this is about where to put your house. This was a major issue. Stakeholders for two years bashed this out. When it finally got to this body, it went under the hammer. We need to respect stakeholder processes when they happen like this. It may be flawed. It may take a while to work out. If we are going to start to unravel stakeholder agreements in this body, we are setting ourselves up for the unraveling of a lot of other stakeholder agreements. I think that is an issue we need to consider. If they can't work it out, fine, but we didn't even try. It did not get sent back to a stakeholder group. We didn't get the parties together again to try to work it out. If we had done that, I would be much more supportive of this bill, but we didn't. This end the round means we are not even going to try.

I am sympathetic really. It is tough having the state owned wild scenic river in your back yard. In my back yard I have a

state-owned landfill. Apparently that also generates a certain level of controversy.

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

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you to the previous speaker. Those sand dunes might have been contentious, but I don't think I was in there being contentious about them. I think that is part of the issue. The people in the Allagash have a live and let live mentality. There is a waterway running through their town and they are not telling anyone how to use it. They just want to be able to use it themselves.

The reason why I cosponsored this bill, my legislative intent, was to address local access issues. Back in 1966, Elmer Violette from Van Buren, a member of this body, was a member of the study commission that put together the referendum for people to vote on. After it was passed, he was part of the advisory committee to make recommendations on how to implement it. Elmer Violette, being from Van Buren, I am quite positive that he didn't want to restrict local access. He was one of the driving forces behind this. I am sure Mr. Violette didn't say that we can't have local people using the river.

I think the biggest part about this issue is that they don't want this in statute. Basically what we have gone back to with this bill is the actual river driver's agreement. It hasn't been mucked around with. They don't want it in statute because that is what happened to it in the three years since we signed it. Little changes happened that we never agreed to.

As Representative Trahan has made very clear, and I was adamant about this, the 11 people that you see on this green list were the ones that were on the same side of the issue as me. They have all rejected this in saying that this isn't what we agreed to. Don't tell me about going back to the stakeholder, we didn't get what we agreed to. If they would have stayed with what we agreed to, then there wouldn't have been an issue. Everything got changed around. That is why we are here today with this bill.

This isn't the first time, ladies and gentlemen, last session I had a bill in the Ag Committee with the very same issues. I let it die when the commissioner told me that we would resolve these issues over the summer. Nothing has changed. The only thing is this time I couldn't be the main sponsor of the bill because I had the bill in last session.

The River Driver's Agreement, Jaime Foster came to the Ag Committee. There were two arguments that you heard from people. One was this violated the Wild and Scenic Rivers Act and two, this violated the River Driver's Agreement. We got papers today that said that the River Driver's Agreement is a State of Maine agreement signed in statute and it is the Holy Grail. No it isn't. It was an agreement. It was two-day agreement. It was a rushed agreement that was flawed and changed after people signed it. These two things is basically what people are hanging their hat on, the Wild and Scenic Rivers Agreement and the River Driver's Agreement. Jaime Foster came and he is a member of the National Park Service and he said in front of the Ag Committee in a public hearing that wasn't rushed and answered three hours of questions about, could the state do this? Does the state have the ability to do this?

He was specifically asked about the access sites. He said that as long as there isn't as many access sites today as whenever the river was put into the Wild and Scenic Rivers Agreement, then we have no problem. We asked him about the bridges, can they do this with the bridges? He said that you can do this with the bridges as long as there isn't more bridges today than there was in 1966, which there isn't. We got a handout earlier that showed all these different things about what was

going on in the 1970s and what is going on today. Short of calling people liars, I don't know what else to say. I just don't agree with it.

In 1974, my uncle was stationed Umsaskis Lake for three years, not the camp that is there now, but the one that was further up the lake across from the ledges. I spent three summers there. There were places all over like that to get onto the river. All those places are gone nowadays. There were 55 camps along the waterway. They have all been burnt to make room for this wild and scenic vision that people have. The idea that they have been adding access points over these years is totally untrue. They have been eliminating them. That has been the argument. I just cannot understand why it is such a big thing for someone that is coming down the river that is not being accosted by anyone, why it hurts them that they might actually see someone putting in the waterway somewhere. That would be like me going to Old Orchard and telling Representative Hogan not to use the beach. I am here and I want to use the beach by myself and you are ruining it for me. That is basically what they are saying. They are saying that they don't want to see you on the river. This is wild and scenic, stay home. We even had people at the public hearing say, and I have heard this from members of NRCM or at least people that lobbied for them, that you have another river, use that one. I mean that is really hard to take.

I live there. I told this to the committee, I basically leave people alone unless you have screwed me more than once. I just want to be able to use the water and show my kids what my father and grandfather showed me. The more people that come there, the better as far as I am concerned. I am not giving them a hard time when they want to come down it. What you have to understand is with the River Driver's Agreement is we tried. The people in my area always try and do the right thing. I think. That could be debated here. We went through that process. There were access points that were very, very important for all of us, mostly for historical family values. We gave up some of those to keep other ones and to put this to bed. What we gave up was very, very important. My grandfather took me there many times across the river, the depot, there was a brook there. We fished there. I can't use that anymore. I can't take my kids there anymore. I gave that up to keep Ramsey Ledges, which was also a very important thing.

When you leave the Town of Allagash and drive up the road, up through the river, the closest one now should be Ramsey Ledges, but the way that they have twisted it since the River Driver's Agreement is you have to go clean down to Umsaskis and that is 50 miles up in the woods. It is at least a two-day overnight trip. Not everyone can do that. Some people only have a day to do that. We did not agree to that. We did not agree for Umsaskis. In my mind, Umsaskis was never an issue. What we agreed to was to close Cunliffe, keep Ramsey, have the compromise in John's Bridge. The May and September people can go there, but the rest of the year they couldn't. Those were things that we agreed to. Basically what we have in this bill today is going back to what we thought the River Driver's Agreement is.

With all things being equal, we wouldn't be here today. The department, somehow, this got twisted around to where you have to go at least 50 miles up the river. It is not practical for people in the St. John Valley so I am very much in support of this bill. We are not micromanaging. We do things like this all the time, especially whenever things break apart like this. This is an attempt to put it clear. Now this is the River Driver's Agreement. This is what we agreed to. It is in statute. You can't change it. People know where they can get on the river and where they can't. I think it is something that we should support.

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am very proud today to stand with my colleague from the Allagash, Representative Jackson. I just wanted to make a point that hasn't been brought up. I think a lot of times we start to forget what our role is as a Legislature. I certainly have been irked by many of the decisions by administrative agencies over the last few years. It really was a point that was driven home by something that was passed out on the floor. It was an opinion piece from the *Kennebec Journal*. It made me wonder if to be an editor of a paper in Maine, you have to take high school civics. This is a statement that was made in the *Kennebec Journal* about us considering this bill. It said, "This is no way to run a government. Maine citizens pay taxes to fund the operation of state agencies that manage our resources. The role of legislators is to make policy, not to meddle in the operation of those agencies to second guess their employee's decisions or to make a huge mess and then go home."

Mr. Speaker, I went to high school. I picked up the Constitution just to make sure that I hadn't missed something. The Legislature is in the Constitution of the State of Maine. There is nothing in the Constitution about state agencies or state departments. This Legislature makes policy for the State of Maine. We need to stop being pushed around by agencies that tell us what to do and we need to take control. This is our opportunity. You can vote however you want, but this is why we are elected. We need to exert our influence. Thank you Mr. Speaker.

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

Representative FLOOD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to say that I support this bill and the amendment that we are looking at. I, too, think like the Representative from Bar Harbor, Representative Koffman, that it is regrettable that we haven't been able to reach consensus on many of the matters that deal with the Allagash waterway. I truly think that is regrettable. With this bill, the stakeholder groups that are currently working, the committees, the focus groups, the ad hoc groups, the special studies, they can all continue with this bill, yet they will just be guided the ACF Committee.

As we listened to the hearings, there were several things that were very much not evident at the hearings. The following things were not evident at the hearings: Communication, cooperation, listening and working together. If you attended the same hearings that I did, you did not hear much about those subject areas. It was very divisive and it was very troubling to me that we allowed that to continue.

I am a member of the ACF Committee and I believe that this bill does nothing to discourage the long-term management of the Allagash River. It actually facilitates that by providing that all the management decisions must flow back to the Legislature's ACF Committee. This provides consistency, regular reviews, constant communication and a regular check in for results. These are all features, to this Representative, seem to be lacking in the current process as it was described to us during the hearings.

By bringing all of the ad hoc citizen committees under the umbrella of the legislative committee, we ensure a fair and public process, representative of all the people, not just several interest groups. This could still encourage the many interest groups and interested individuals to continue to engage in the decision making process. There is nothing to prevent that. The communication system we currently have with the Allagash waterway is full of confusion and misunderstandings. Directing

that discourse to one overriding policy making body will help to remedy that. Thank you Mr. Speaker.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to recognize the good Representative from Winthrop, Representative Flood, for his wisdom and his graciousness on this issue. If he ever decides to change committees in the future legislative term, I would be happy to serve with him on Natural Resources. I am very hopeful that we will find our way to some sort of collaborative effort on this issue. I suspect because of some of the old tensions that started before I was born, I suppose, there will always be some tensions. I hope this body doesn't embarrass itself or disgrace itself by bringing up north south divides and environmentalists versus Mainers from somewhere else and the rest of it. It doesn't bring dignity to this institution. Thank you Representative Flood.

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. I was on the opposite side of this issue. I went to the Civic Center. I heard the passionate testimony. You can understand where some people were coming from. When I asked a question of one of the presenters, I said, do you think that I could not love the Allagash as much as you? The reply was, no I couldn't, because I didn't live there. There were people in the back of the room that stopped me when I went to the ladies room and said, thank you for saying that. Just because we don't live there, doesn't mean we don't love it. It doesn't mean that we can't enjoy it. For me, that gave me a pause. I started to think, was this reverse discrimination? Was this someone not wanting me to go there? That is really how I came away from that. I thought it was really about the process. Why have stakeholders that meet and agree? In Maine, I believe in a handshake. Your word is good. I am naïve. I still believe that. These people come together. They made an agreement then in the eleventh hour, we have a process that because someone may not be happy, we now have to put it in statute. What is wrong with that? It left me to say that when the bureau came, Mr. Soucy came, he simply wanted to have an amendment about looking at the bridges and have a study about what kinds of bridges, what were the aesthetics? What could we do to keep it in the wilderness mode, if you will? I thought that was reasonable. I don't see it that way. I see that this needs to be addressed. I think there are still some issues, but I think it is really about the process. This isn't about the River Driver's Agreement. It is going back 40 years. It is going back to the Allagash law. I am very concerned with that. Thank you Mr. Speaker.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Twomey from Biddeford, I am sorry, but that is just not true. This is going back to the River Driver's Agreement, which we agreed to.

The SPEAKER: Would the Representative defer? The Chair Recognizes the Representative from Biddeford, Representative Twomey. For what reason does the Representative rise?

Representative **TWOMEY**: Point of order, Mr. Speaker.

The SPEAKER: The Representative may state her point of order.

Representative **TWOMEY**: Thank you Mr. Speaker. I don't think it is right for another member to challenge what is right or what is wrong.

On **POINT OF ORDER**, Representative TWOMEY of Biddeford objected to the comments of Representative JACKSON of Allagash because he was questioning the motives and integrity of other members of the House.

The SPEAKER: It is a matter of opinion in term of whether we are right or wrong here, but I will just caution that you do not question the motives of integrity of a member. I do not, in this particular case, however, think that happened. I would just remind people of the rule. The Representative may continue.

The Chair reminded all members that it was inappropriate to question the motives and integrity of other members of the House.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Point of order, Mr. Speaker. Is my integrity being questioned whenever people say they agree to a gentleman's handshake? I obviously signed onto the agreement. Is my integrity questioned when people say that I broke that agreement?

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This issue has troubled me for a long time. As I am sure it has some others. As a resident of southern Maine, Kennebunk, I could be pigeonholed into a certain perspective by half the members of this body. Having spent eight years at Moosehead Lake, I do feel a certain empathy with people who are geographically distant from the coastal plane of York County. I do feel here, however, that our ultimate responsibility is stewardship of the Allagash waterway. What does that mean? To me it means that whoever uses it should respect and abide by rules and perhaps restrictions that make it that special place. If you ask me, do I think that locals should have access to the Allagash? My answer is absolutely. Shouldn't there be a way of that happening so that they could take a weekend in order to experience that without having to invest in a weeklong wilderness experience. I think that can be done, but I do support the restrictions that make that something that is done according to very rigid rules.

We have had a couple of Representatives, I think, speak to the fact that there has been a criticism that this micromanaging and that there was a River Driver's Agreement and so forth. I, too, agree with the Representative from Presque Isle, Representative Fischer, that when I read the newspaper editorial I was sympathetic to its message, but I was aggravated by its allegation that this Legislature does not belong in the business of oversight.

My point here is, if, in fact, we are responsible for that oversight, then this doesn't come down to locals being able to use the river or not. Locals have used the river before the consideration of this bill and they will use the river after the consideration of this bill. It comes down to some very specific issues. I guess I ask for clarification one last time to any member that might be answer with the Speaker's permission. What difference does this make, this piece of legislation, with regard to Umsaskis Lake and the Henderson Bridge after this legislation that does not exist right now? It seems to me that it really comes down to that issue. Thank you.

The **SPEAKER**: The Representative from Kennebunk, Representative Babbidge has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the changes you would see are at Ramsey Ledges. You can put a canoe in there. That was something that we felt we agreed to with the River Driver's Agreement, but somewhere along the line wasn't included. Umsaskis access, we never felt that Umsaskis was ever part of the agreement. The department said we agreed to going around into the parking lot and coming around by the 600 foot trail that you would have to drag your canoes in on dollies. What this bill would do is it is going to make the trail, but you can drive down to the waterway, canoe in, drive back to the parking lot and walk back down to your canoe. That actually is another compromise that we made that we didn't feel was part of the River Driver's Agreement. Thirdly, it puts in that the Henderson Brook Bridge will be studied to be rebuilt. It is a permanent bridge. That is new, but it is something that is certainly needed for the forest products industry. It is needed for sports, tourism, people need to access that bridge. It is in use now. It is in bad shape. The state has the ability to clear itself of any wrong doing if a truck goes through there with a load of wood and people are killed, the state won't be at fault, but they know the bridge is in disrepair and it needs to be fixed. It either needs to be removed or rebuilt. Again, as has been said at the hearing, that was acceptable under the Wild and Scenic Rivers Act. They could rebuild that bridge and make it permanent.

Lastly, while I have the floor, some of the things that were said in regard to the hearing, that was my mother that spoke to Representative Twomey that way. I think the question was said like she said, but if there is a problem with people coming down the river and having an issue with locals being along side of it or happening to be on it, then I don't believe you can love the river as well either. If you have an issue with that, then I do think you probably don't love the river as well. I know that the people in northern Maine don't have a problem with southern Maine people coming to use the river. Actually they would probably pull up along side and offer any assistance they could and get to know you. I just can't understand what the problem is with the river. What is the problem with people wanting to use it? I don't think that having another stakeholder process is worth it. We had one. We felt we compromised in good faith. Everybody on the 25 person report that comes from my background have rejected the compromise as being not what we agreed to. There are only 14 other people on that and five or six of them are bureaucrats that really didn't have a dog in the fight and the rest is obviously the other side. Why do we have to continue to do a stakeholder process? We feel like it wasn't done fairly. That is why this bill is here today. It was here last session too, but you just didn't get the arguments like you are today.

I would encourage you to pass this. You can go back to your constituents and say that we put into statutes, what was actually agreed to at the River Driver's Agreement. I am not saying it will keep people from being upset or solve all the controversy, but for the people that are saying that we had an agreement, well here it is and let's vote for it tonight.

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

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a few points that I want to make. As a general rule and my wife, Judy, did the same thing, I defer to the locals on local interests and values. If I

want to know about lobsters, I defer to Representative Pingree, Representative Percy, Representative Emery. If I want to know about beaches, I defer to Representative Hogan. We don't have sprawl in the valley, certainly, but I defer to Representative Adams, Marley, Eder for that. I think that out of respect, that is very important. I do support what is important for Portland, Bar Harbor or wherever it is. The people from the Allagash village and surrounding areas are good, descent, friendly and very hospitable people who welcome, as my very good friend from Allagash village has said. We welcome people from the outside. Remember that the river has been in good shape since 1966, 1970 and so on. Who took care of that river? Those are the locals for years and years. They respected the river and took very good care of it. We love the land. We love our environment and we love our river. It is as simple as that. Other areas that maybe we could consider, snowmobiling is big up there, biathlon, ATVs and you name it. Who takes care of those? Locals very generously at their own expense many times volunteer. We do that very well. There is no conflict. We invite outsiders to come in and enjoy. Why should this be different?

We keep hearing an awful lot about process. Let's not be slaves to process. Process is only as good as the results. I taught school for many years. They could be great on process, but flunk every test. In this case, I think it is the obligation of the Legislature to get directly involved. I serve on Transportation. I serve on Criminal Justice and Public Safety. We get involved all the time. We get involved in the Maine Turnpike Authority, a quasi independent authority. We still oversee them. I think this bill is a good bill that will go a long way in settling some issues. Vote green on this one.

Representative **TWOMEY** of Biddeford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-559)**.

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 South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Whether you have been in Maine for a day or seven generations, whether you live in southern Maine or northern Maine, there are things about this state that are unlike any other state on Earth. We have the wild Allagash, wild and scenic waterway. Just the title evokes an image that could easily be threatened, the like of which exists no where else and it represents an era and it represents a part of Maine that we must protect. The north woods face threats every day. There are people who can come to the State of Maine and buy up hundreds and thousands of acres for their own use. What we have in the State of Maine is designated throughout the country as an outstanding vestige of primitive America. The Allagash was overwhelmingly approved by Maine voters with a bond to develop the maximum wilderness character of the Allagash waterway. The purpose is to provide an experience for those who live there, who come here. They don't exclude each other. It is intended for every group, every resident, every visitor to enjoy its purpose of being intended for quiet, peaceful remote recreation.

This bill violates the intentions and the terms of the River Driver's Agreement. I, too, believe that if there are problems it is not an issue of people from away coming and not wanting to mingle with locals. It is not an issue of who should get on it and how long they should stay. It is an issue of a resource and an identity for the State of Maine that we will never be able to replace that is unmatched anywhere in the country. I think if there are issues, problems, I would like to see this go back to the

River Driver's Agreement to the people who spent days together with the intention of protecting it. Those people got together because they love it and they wanted to protect it. I would encourage you to vote against this bill. Send it back to the River Driver's Agreement. Let the people who created it in the first place fix the problems, get everybody involved and make sure that we protect this national treasure that we have in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mars Hills, Representative Lundeen.

Representative LUNDEEN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I live about two and a half hours from the Allagash. I live in a small town where people really work hard. They work hard five days or six days a week. They may have a two-week vacation all toll in the run of a year, but I hear them say that I would like to take my children for the weekend and canoe the Allagash. By the time they drive up and drive back, they probably only have a day to spend there on the weekend. A survey taken in 2003 found 97 percent satisfaction level with the wilderness experience they had while traveling down the river. No river driver mandates had been implemented at that time. It is not broken. I think it is working. Leave it alone.

Let the people from all over the United States enjoy it. There is 90 some miles of river there. There is plenty of room for everyone. Let the people of Allagash have a little freedom. They are at the other end of the world and they love that river. That is about the only entertainment they can have quickly. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I said my peace in the other one. I really don't want to prolong it, but just a few comments if I may. This is a river that is 100 miles long. It is a dream as I am listening to this, because if Churchill Dam wasn't there, the thing would be dried up in the summertime. You take that dam out of there and you wouldn't have much left.

I have another comment. I hope I can do this with some class, probably not. Representative Lundeen sort of alluded to it, I am 200 miles from Houlton, 60 miles north of South Portland, that is 260 miles, another 100 miles to get to Fort Kent, close to 400 miles and go into Allagash village, I am talking over 400 miles. It may be the other end of the world, but we are closer to Quebec and the St. Lawrence River than you are. It seems strange and I don't want to get into this north south issue, but I lived in Portland for a number of years and the Maine Mall is sprawling out there, you lost some farm land. You go down to Old Orchard Beach, I wish those cottages weren't there. If you took some of those cottages out, it would make a better beach area. I could pick a number of things about southern Maine that you would all get angry at. It seems that we are not in a position to live and let live. The Allagash is 90 miles long. This agreement opens up a few spots. I think there are 10 red pickups on that Allagash River thing that we took a look at. If you want to do it foot wise, you would do it almost a half a million feet. A little pickup six feet wide and you put 11 of them in there that is 66 feet worth of Allagash that you are exposing to anything.

Those of who have been down the Allagash in the fall of the year, there are no mosquitoes there and they are draining out the lake so you don't have to watch for the rocks all the way down. We did this with Baxter too, this idea of finding something in the wilderness that makes us better human beings, I have a great deal of trouble with that.

The Japanese have little gardens in the back where they sit and meditate. I think you could sit and meditate anywhere you wanted to. In the last 10 or 15 years there is something about

nature with bugs and flies and mosquitoes, that makes us feel at one with nature. There are strange conversations taking place here. Some of it is driven by those people that want to lock things away for whatever reason. If global warming is going to come, then maybe some things should be spread out. It may be here with sea level being up 3 feet in the next 50 years. Maybe some of those cottages along the coast and those million dollar homes overlooking the dunes, maybe they will want a place to go inland, a place to live. Who knows? It is a rather interesting conversation we are having when someone says they don't want to talk about north versus south. It certainly appears that way.

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

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

The SPEAKER: The Representative may pose his question.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A native of Aroostook that I had previously met at a breakfast did talk to me about the fact that he would love to drop off his three sons and then go down river and take his 10 horse power motor and canoe back up the river to meet his sons and go down the Allagash. My understanding is that motorized craft up to 10 horse are allowed presently on the river. That sounds reasonable to me. My question, is it possible presently for a person who lives in the northern part of the state to put in on Friday night and have a weekend experience? I have heard the Umsaskis Lake adjustment and that sounds reasonable to me. The Henderson Bridge situation, I find questionable. I do feel that a two-day experience ought to be a realistic possibility for locals in the area. Is that possible now?

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

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to respond to the Representative in his response to Old Orchard Beach's cabins. With the evaluation that was just put on those, you would love to own one of those.

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

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My only regret is, when you mentioned the sandy beaches, that you would mention Wells Beach once in a while. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-559). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 487

YEA - Annis, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowles, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis K, Dugay, Duplessie, Duprey, Edgecomb, Emery, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Mills, Moody, Moulton, Nass, Nutting, O'Brien, Paradis, Patrick, Perry, Pilon, Piotti, Plummer, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Smith W, Sykes, Tardy, Trahan, Tuttle, Valentino, Vaughan, Wheeler, Mr. Speaker.

NAY - Adams, Ash, Babbidge, Bowen, Brannigan, Brautigam, Cain, Campbell, Craven, Davis G, Driscoll, Duchesne, Dudley, Dunn, Eberle, Eder, Faircloth, Finch, Gerzofsky, Goldman, Harlow, Hutton, Kaelin, Koffman, Lerman, Makas, Marley, Muse, Norton, Ott, Percy, Pingree, Pinkham, Rector, Richardson E, Simpson, Smith N, Thompson, Twomey, Walcott, Watson, Webster, Woodbury.

ABSENT - Bliss, Crosby, Millett, Moore G, Pineau, Shields, Stedman, Thomas.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (S-559) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-559)** in concurrence.

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

Bill "An Act To Protect Victims of Domestic Violence"
(S.P. 739) (L.D. 1938)
(C. "A" S-525)

Which was **TABLED** by Representative **TARDY** of Newport pending **PASSAGE TO BE ENGROSSED as Amended.**

On motion of Representative **TARDY** of Newport, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-525) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-954) to Committee Amendment "A" (S-525)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative **Blanchette.**

Representative **BLANCHETTE:** Mr. Speaker, I am going to ask for a ruling of the Chair to the germaneness of this amendment.

Representative **BLANCHETTE** of Bangor asked the chair to **RULE** if **House Amendment "A" (H-954) to Committee Amendment "A" (S-525)** was **GERMAINE** to the Bill.

The **SPEAKER:** The Chair will rule as follows. In reference to Committee Amendment "A" to LD 1938, House Amendment "A" to Committee "A" contains a bad faith remedy that requires a person seeking a protection from abuse order in bad faith to pay damages and reasonable attorney fees to the defendant. Since the title of the bill is to protect victims of domestic violence, the bad faith remedy clause of the amendment would require a change in the title of the bill. It would also introduce an independent question and unreasonably expand the subject of the bill and change the scope of the original bill. For this reason, the Chair finds that House Amendment "A" to Committee Amendment "A" is not germane.

Subsequently, the Chair **RULED** that **House Amendment "A" (H-954) to Committee Amendment "A" (S-525)** was not **GERMANE** to the Bill.

Representative **TARDY** of Newport **PRESENTED House Amendment "B" (H-990) to Committee Amendment "A" (S-525)**, which was **READ** by the Clerk.

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. I offer this amendment to provide a safety net to Mainers who are concerned about a subtle erosion of Second Amendment rights. I offer this amendment which is distinct from the prior amendment, which you just ruled out of order.

This amendment, House Amendment "B", simply imposes a duty upon law enforcement to take care of the guns they confiscate or take custody of. It requires that if and when law enforcement agencies return this property, that they return them in the same condition as received. This amendment, I respectfully suggest, is based in common sense. It is necessary. It is not hostile. It is not designed for anything other than a legitimate safeguard for Mainers who value gun and property rights. I urge this body to accept this amendment.

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative **Blanchette.**

Representative **BLANCHETTE:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respect the good Representative from Newport, Representative **Tardy**, and his reasoning for bringing this amendment before this body. I do not question his reasoning for this. I do have a question that maybe the Speaker or anyone in the House could answer. If, in fact, we are ordering police departments to maintain and keep guns in the same condition they were received in, then is that not an unfunded mandate on every police department within the state?

This is a bill that came out of Criminal Justice and Public Safety, a unanimous report. It is a bill of protection for people that suffer from domestic violence. We advertised as prescribed by law. We held a public hearing. Everybody that spoke in front of the public hearing spoke in favor of this bill. All of the domestic victim's advocates groups, the district attorney, the Commissioner of Public Safety were all in favor of the bill as written. There was never a mention from any organization that wanted to protect the purity of their guns when they were confiscated. I didn't perceive this to be a problem. I am going to urge when this comes up for a vote that we vote to defeat this amendment and pass this unanimous committee bill as was presented from our committee. Thank you Mr. Speaker.

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. This amendment is a simple responsibility factor. If the government is going to take someone's property, then they should be liable for any damage that they do to the property. If they take someone's property, they should provide a receipt for that property. If they take someone's property, they shouldn't mark it up and identify it in some damaging way. Property such as firearms, confiscated by the government from a citizen as a result of a protection from abuse order, regardless of whether it is a bad faith or an appropriate protection from abuse order, that property needs to be kept in good condition, not damaged and returned when necessary. Thank you.

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

Representative **WATSON:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When a weapon is seized under a protection order, we don't get some Nazi from Washington or ATF that comes and does it, smashes the house up, tears off the gun cabinet and throws it in the back of a pickup truck. We have a deputy Sheriff who comes and seizes that weapon or your police chief.

This amendment is an affront and an insult to those people. Are you assuming that weapons seized in this kind of manner, the normal everyday process are somehow destroyed or damaged? Was there any evidence of that? Was there any brought to this hearing to testify to that affect. I don't think so.

I think we are telling the police officers of this state, your neighbors, your constituents that they don't know how to do their job when, in fact, no one had complained about it. Talk about a solution looking for a problem and an insulting problem as well.

Mr. Speaker, I encourage this House to defeat this amendment. I believe it is embarrassing and insulting. Thank you.

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. In case you haven't read this amendment, I would like to read a little bit of it to you. "Firearms seized pursuant to protection from abuse proceeding, a law enforcement agency seizing, confiscating or receiving a firearm pursuant to Title 19A, Section 4006, Subsection 2A or Section 4007, Subsection 1, Paragraph A1 is liable to any lost damage or reduction in value to that firearm due to the lack of reasonable care by that law enforcement agency for the purposes of this subsection. Firearm has the same meaning as in Title 17A, Section 2, Subsection 12A and includes a scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with firearm." It goes on to go through receipt of firearms, procedure and liability a law enforcement agency seizing, confiscating or receiving a firearm pursuant to Section 4006, Subsection 2A. It goes on and on, all about this firearm. Law enforcement agency seizing, confiscating or receiving a firearm pursuant to Section 400, Subsection 2A or Section 4007, Subsection 1, Paragraph A1 is liable for damage to the firearm that results in reduction of value of the firearm. Including, without limitation, engraving, permanent marking or test firing the firearm.

I would respectfully ask through the Chair to anyone who would wish to answer, how this amendment protects one single victim of domestic violence?

The SPEAKER: The Representative from Auburn, Representative Simpson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To respond to the question from Representative Simpson of Auburn, I do see value in this. What you have here is the cooperation of the gun owner. That may not seem important to people who only see the world in terms of victims and the accused, but people who are not guilty sometimes are accused. It is a very upsetting thing to be in that situation. I have had that happen in my family before, not personally. I think it is a reasonable thing to say that I don't believe I can cooperate fully with law enforcement officers, see this thing through, keep things calm, knowing that days have passed and this matter is resolved. The property will be returned. Things will settle down. I think that will lead to a greater sense of calm in the midst of a crisis.

The duty to protect property in this matter, I consider no different than if my car gets towed. If my car gets towed by the police department and I find it sitting on four hubs because the tires are gone, I want somebody to take responsibility for that. The same thing is being asked for in this situation. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At this time, I have sat here and I have read this amendment. I am absolutely positively convinced that it is without a doubt an unfunded mandate on every municipality and police department we have in this state. I have sat in this House, this is my sixth year and I have yet to hear too many people stand up and say, yes, this is a good thing. Let's mandate that they expend all of this money to wrap all of these guns that they confiscate against victims of domestic violence and put them in bubble wrap. With that, Mr. Speaker, I am going to move that this amendment be Indefinitely Postponed. Thank you.

Representative **BLANCHETTE** of Bangor moved that **House Amendment "B" (H-990) to Committee Amendment "A" (S-525) be INDEFINITELY POSTPONED.**

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was going to speak against the pending motion, however, if the pending motion is now Indefinite Postponement, I would like to speak briefly in support of that.

I do not see the relevance of this amendment to the subject of the public hearing to the title. I think it is foolish to have it come forward at this point. I would ask for a roll call.

Representative **SMITH** of Monmouth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-990) to Committee Amendment "A" (S-525).**

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 Wells, Representative Collins.

Representative **COLLINS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to the current motion before us to Indefinitely Postpone this amendment, I would be opposed to that motion only because I feel that if a firearm is confiscated by a law enforcement agency, it should be returned to the rightful owner in the same condition it is was confiscated in.

I have been a firearm collector for many, many years. I enjoy doing the research behind the development of the weapon. I enjoy shooting the weapons. Without going into detail on the value of some of my weapons, firearms, I will say this. Some are quite valuable. If for some reason one of them was confiscated, in some instances even the slightest scratch will diminish its value. If it stored in a high moisture area, it will create a rusting situation. Here again, diminishing its value. It seems like a simple thing to me. If you confiscate something, you attempt in all good faith to maintain that same quality of the weapon as when you confiscated it. It should be returned in the same condition. This amendment would ensure that.

I urge you to vote red or no on this current motion to Indefinitely Postpone this amendment. Thank you.

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 can't even remember what I wanted to say. The intention of the original bill was to protect victims of domestic violence by notifying them that the person they have a protection order from has attempted to purchase a firearm. There is nothing in the original bill about confiscating any firearm. It was a simple victim notification bill. The purpose of that bill I would like to speak to from my own experience. Having had someone threaten me with a firearm

over the telephone telling me that he was going to kill me, telling me repeatedly so I begged him to please stop threatening me, I don't want to have to get a protection order. He said, "Go ahead. That little piece of paper won't save your life. You are a walking dead woman. The only question is when the bullet is going to hit you." I understood that the protection from abuse order wouldn't stop a bullet, but I hoped it might make him think twice about actually coming to shoot me.

This bill could give a person the ability to know that someone is trying to buy a firearm, someone they are afraid of, someone who has threatened to kill them and perhaps their children. That is the purpose of the bill. To bring some safety to people who fear for their lives. This amendment has nothing to do with protecting one single victim of domestic violence. This is an amendment and should actually change the title of the bill to, An Act to Protect Victims of Domestic Violence and the Guns of the Abusers. That would be a more appropriate title if you are going to add this amendment. I urge you to please support the Indefinite Postponement of this amendment. It is offensive to women and children who fear for their safety. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion to Indefinitely Postpone for the reason that it prevents me from speaking to the House of my experience in the District Court dealing with matters of protection of abuse, both in defending and prosecuting such motions. In some cases it is used offensively. It doesn't matter if it is male against female, female against male, female against female, male against male or other combinations thereto. The process consumes a lot of time on the district court level. The courts must deal with the difficult matter of sifting through wheat and the chaffs.

Mr. Speaker, ladies and gentlemen of the House, this motion to Indefinitely Postpone deprives this body of the ability to deal with the issue before it, which involves a matter offered by the good Representative from Newport that should be debated on this House floor. Therefore, I would encourage the members of this body to defeat the motion. Thank you Mr. Speaker.

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

Representative **SAMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I come from a long line of family gun enthusiasts. We all hunt. We love the sport. I understand the value of collecting antique guns and also what happens when maybe they are confiscated and damage is done to them. However, I also understand the need to help victims of domestic abuse and for them to feel safe. These are two very separate issues and implore you to debate them as such. Please support the pending motion.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I try to make it a point only to speak if something hasn't been said. I will stay with that today. I urge that you support Indefinite Postponement because I do feel this is a redirection of the bill. I believe the amendment assumes a problem in need of correction. I think that is an affront to the professionalism of our friends and local law enforcement officials.

I will leave the rest of this debate to more eloquent speakers.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I

would like to rise and speak on this bill. I appreciate the good Representative from Auburn and her emotional speech, but I guess I have one of my own that is a little bit emotional as well.

When I was widowed at the age of 43, I lived in a home that was out in the woods away from any of my neighbors. There was a young man that I had gone to school with who was mentally ill and there were no stalking laws, no protection from abuse orders at that time. I used to sleep with a pistol under my pillow. I don't want someone to take my guns away. I don't think it is an affront for us to be in favor of people having guns. Maybe we are the people who want to have them as well. I didn't think when I called 911 that I could necessarily count on someone being there in time.

I also do not believe this is an affront to our law enforcement agencies. If we have someone who does have guns, maybe they are going to be a little more willing to turn them over and put them in the safe keeping of the police department if they know they are going to be protected. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hadn't intended to stand up and speak, but this is an issue that is very important to me as well. I am probably one of the people in the chamber wearing this purple ribbon, which signifies that domestic violence is not acceptable. I have a bumper sticker on my car that says there is no excuse for domestic violence. I have been there. I have seen it first hand and it is not acceptable. Last year I stood in this chamber and fought very hard for a bill that protected people from domestic violence.

I have two points to get back to what the Representative from Auburn, Representative Simpson, said. In my opinion, this bill will help victims of domestic violence. A man or woman, for that matter, who has been accused of domestic violence and who has a protection from abuse order against them, they are going to be less likely to hide their guns, refuse to turn their guns over, if he knows the police department is going to be held to a higher standard. You must take care of these guns. I know they have to take care of the guns. I am more likely to turn them over to the police rather than not turn them over to the police. I think it is very, very possible that someone could have no intention of doing anything with their gun, no intention of going out and using that weapon against their estranged spouse or girlfriend, but simply wants to keep it because he does not want to turn it over to a police department and have it damaged. I think that is a very, very logical thought.

If he knows the law requires the police to take care of his firearm, he is going to be more likely to turn it over and victims of domestic violence are going to be safer. That is what the ultimate goal of this bill is about. The goal of this bill is to get guns out of the hands of people who are going to or are likely to use them to commit a crime against a woman. That is the goal. I believe this amendment helps accomplish that goal.

Yes, this amendment also protects, unfortunately, those despicable people who are out abusing a woman. It does do that. It also protects those men who are honest, decent men who own guns who are being falsely accused because of whatever is going on from having their guns taken and ruined. I have received lots of e-mails from people who I know personally who have been through that situation. They were going through a divorce. Nothing happened, but a protection from abuse order was a convenient tool to use when it came to court, time for visitation and all those kinds of things.

We can all laugh and say it doesn't happen, but those kinds of things do happen. I don't think it is too much to ask that we tell

police departments that they have to take care of these weapons when they seize them. I think it is important that they seize them from the people who are going to use them to do harm. I think it is very important that we get the cooperation. It is very important that we protect the people that are falsely accused. It is absolutely vital that we protect the victims that are potential victims. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not only is this amendment that I moved to be Indefinitely Postponed unnecessary, it is completely and totally within everybody's own power not to have to be in this situation of their guns being confiscated for any reason whatsoever. Domestic violence happens and domestic violence needs to be stopped. If you don't do the crime, you are not going to pay the fine. It is that simple. I don't want any woman to ever fear or any man or any child to fear for their life and their safety because somebody is going to get upset and say that I am going to go get my gun and I will take care of this situation right now.

Once again, I remind you, if you think this amendment is so important, I would request that the good Representative from Newport, Representative Tardy, go down and put a financial note on this and make it a mandate because it is going to be costly mandate for every one of your communities. Think about it, do any one of your communities within their police station have a padded, secure, locked gun safe that they can put these guns in to make sure they are in pristine condition all the time? I don't think so. I think we need a fiscal note on this if you deem it necessary. Once again, don't do the crime and you won't pay the fine.

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 would like to remind all my friends here that this bill came out of committee with a 13 to 0 vote. It is my understanding that there was no discussion of firearms during the hearings on the original bill. Therefore, there was no public hearing on rules relating to the confiscation of firearms. I would encourage those who would like to address the issue of confiscation of firearms to put in a bill on its own when it would have the opportunity for a public hearing. I would encourage you to vote in favor of Indefinite Postponement of this amendment. Thank you.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for the body for bearing with me during my senior moment. The comment that I had meant to make that had not been stated before was my concern that this amendment seems to give fuel to an alleged perpetrator to be vindictive and seek action against the department. The policemen that I know have a high regard for firearms. A firearm that previously damaged could be claimed to have been damaged by the police. I think this is an unnecessary burden to put on the local police. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, I express my regret that in speaking in opposition to the motion to Indefinitely Postpone that I cannot address this body as to the number of hours that law enforcement personnel put into the process of enforcing protection from abuse orders. The length of

time and the number of people necessary when you address the issue of a mandate, we are talking about an extensive amount of time that the police departments put into the enforcement of these orders from the get go. In relation to all of that time which the police put into the enforcement of these orders, it would be appropriate to be able to debate the issue as to whether or not there is a mandate in terms of the protection of or care of any firearms that may be taken during the duration of an order for protection from abuse.

Therefore, Mr. Speaker, I must respectfully request that the motion to Indefinitely Postpone be turned down in order that we may debate this issue. Thank you Mr. Speaker.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am speaking in support of the Indefinite Postponement. I, like many, was not expecting to speak. The sad thing is, I think, hopefully we all have noticed that as we have stopped talking about the domestic violence issue and we have turned this into a gun bill. I think that is the concern and why people brought up the issue of germaneness. I probably could support something along this line. I think the good Representative from Wells talked about that. These are valuable items. I was on a rifle team in high school. I don't collect weapons, but I have some from grandparents that I value very much. It is unfortunate that it has become an issue around guns and Second Amendment rights and not about the specific issue of domestic violence. We have blended the two. This is very unfortunate.

May I pose a question through the Chair?

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

Representative **MARLEY**: Thank you Mr. Speaker. That question is, would we be treating guns differently than an impounded car, motorcycle or computer that was impounded by a law enforcement officer? I do also see this as impugning the reputation of our law enforcement officers who, as we just saw this evening, do a very important job. Thank you.

The **SPEAKER**: The Representative from Portland, Representative Marley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It does differentiate a gun from a knife, a piece of bloody evidence, bloody clothing, tissue, hair or car. There are thousands of different pieces of evidence or items that may not be evidence that are seized or possessed, kept in the custody of law enforcement for whatever purpose, criminal or otherwise.

My concern about this bill, I guess, about the amendment is two years ago the Attorney General convened a working group of so-called stakeholders, the Sportsmen's Alliance of Maine, victims advocates, people from the Criminal Justice community and designed a very carefully constricted procedure, which was enacted after a unanimous vote of the Judiciary Committee. It allowed in very narrow circumstances, firearms to be ordered to be removed from the possession of a person accused or the subject of a temporary protection order.

I believe this language really substantially undermines that very carefully crafted compromise. For that reason, I join in the chorus of people who have asked that this issue be dealt with in a separate bill if it is to be addressed if it is, in fact, a problem. It can be documented and heard.

There seems to be an assumption underlying the debate here that firearms are confiscated. That is the term used or seized. It is my experience and observation that that is not necessarily so.

In fact, the statute that we are talking about is currently drafted in law. It says, if the court prohibits the defendant from possessing a firearm, that is the order of the court. The court prohibits the defendant from possessing a firearm, the order is then served along with the rest of the temporary protection order on the defendant, the person who is subject to the order. That person then has 24 hours after service on the person or such earlier time as the court may specify to do something with the firearms or dangerous weapons, either turn them over to a law enforcement officer or to "other individual" for the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, then the defendant must file within 24 hours of such relinquishment with the court or local law enforcement officer with a statement saying where the firearm or other dangerous weapon is located. This bill doesn't tell a brother or sister or cousin or neighbor down the road that might have the possession of that firearm doesn't tell that person that they might be liable if they deal with it in a somewhat damaging fashion. It does tell law enforcement professionals that they might be liable if they are the ones to whom the defendant has turned over the firearm or the dangerous weapon in question.

My other concern and I guess I would pose a question through the chair to whoever might be willing to answer, in two places in this amendment the bill appears to create a new liability, which would appear to me to create a new issue for municipalities because the bill addresses itself to law enforcement agencies generally, not simply state police, but all sheriff's departments and local municipal law enforcement agencies. It creates a liability for any alleged lost damage or reduction in value of the firearm, etc. The question being whether or not these two new liabilities are not, in fact, inconsistent with the Maine Tort Claims Act in Title 14, Section 801 and whether or not that issue should be addressed in a separate hearing on a separate bill? Thank you.

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in answer to the good Representative from Farmington, Representative Mills, question regarding liability. Prior to being a State Representative here in the Maine House, I was South Portland's city councilor for nine years and had experience dealing with Maine's Tort Claim Act. I find no such conflict has been alleged. I would like to reinforce and comfort the good Representative that that is not the case. In fact, there is a presumption upon the part of any municipality, the South Portland Police Department, the Sheriff's office or any local law enforcement, county or state, that when they seize property that they take good care of that property and protect it. This would only create a liability or be costly for a town if they are not acting in good faith and protecting the property that they are collecting. I believe that they are. I think our local law enforcement, they do great work. I know that our police department takes great care. I see no expense to our community.

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. I have read this bill very carefully. I have concluded, with great reluctance, that I would disagree with my leader, the Representative from Newport. I don't think it belongs here. I taught 36 years at Portland High School. I saw more domestic violence than I cared to. I think this is a good bill. I have read it. I congratulate those that have

brought it forward. I think we should Indefinitely Postpone the amendment and go on to vote for the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am asking you all to Indefinitely Postpone this. Probably most of you know that I work with battered women and children. I am asking you to postpone this for the victims, not for me, not for probably any of us in here, but for the victims. They are the ones who are beaten. They are the ones who are set on fire. I have dealt with these women. I can tell you stories that you just wouldn't believe. For us not to try to protect the victims out there, whether they are a man or a woman, is wrong. This should be Indefinitely Postponed. This should not even be involved in this bill. Thank you.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, after the recent comments particularly from Representative Mills of Farmington and looking at the title of the bill, I would pose a question to the Chair. Is this amendment germane, House Amendment "B," to the bill? Is it properly before this body?

Representative **TUTTLE** of Sanford asked the chair to **RULE** if **House Amendment "B" (H-990) to Committee Amendment "A" (S-525)** was GERMAINE to the Bill.

The SPEAKER: The answer is in the affirmative. When answering the questions of germaneness, the Chair must consider the question, is the amendment relevant, appropriate in natural logical sequence of the matter or subject matter of the original proposal, not whether it meets with approval or not of the members who will vote on, or whether, in fact, it has some logical sequence.

If an individual is subject to a protection from abuse order and successfully purchased a firearm illegally, then the question becomes what does the law enforcement do with that firearm if they confiscate that was illegally purchased in the first place? House Amendment "B" grants immunity to law enforcement agencies for damages or losses of firearms seized requires that a receipt be given, prohibits marking of the firearm and allows testing only under circumstances of reasonable suspicion.

The Chair therefore finds that House Amendment "B" to Committee Amendment "A" does follow a natural and logical sequence to the subject matter of the original bill and the Chair rules that House Amendment "B" to Committee Amendment "A" is germane.

Subsequently, the Chair **RULED** that **House Amendment "B" (H-990) to Committee Amendment "A" (S-525)** was **GERMANE** to the Bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-990) to Committee Amendment "A" (S-525). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 488

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Sampson, Schatz, Simpson, Smith N, Smith W,

Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Dugay, Duprey, Edgecomb, Emery, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, McCormick, McFadden, McKane, McKenney, McLeod, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Bliss, Goldman, Marean, Millett, Moore G, Pineau, Rector, Shields, Stedman, Thomas.

Yes, 71; No, 70; Absent, 10; Excused, 0.

71 having voted in the affirmative and 70 voted in the negative, with 10 being absent, and accordingly **House Amendment "B" (H-990) to Committee Amendment "A" (S-525) was INDEFINITELY POSTPONED.**

Representative BEAUDETTE of Biddeford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-525).**

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 Adoption of Committee Amendment "A" (S-525). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 489

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

NAY - NONE.

ABSENT - Bliss, Goldman, Marean, Millett, Moore G, Pineau, Shields, Stedman, Thomas.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly **Committee Amendment "A" (S-525) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-525) in concurrence.**

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

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

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1218) (L.D. 1711)
(C. "A" H-974)

Which was **TABLED** by Representative LERMAN of Augusta pending **PASSAGE TO BE ENGROSSED as Amended.**

On motion of Representative LERMAN of Augusta, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-974) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-1002) to Committee Amendment "A" (H-974) which was READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment addresses an issue that came to my attention when I was a member of the Taxation Committee and given the nature of the bill before us, "An Act to Make Minor Substantive Changes to the Tax Laws" it seems appropriate to add it.

Essentially the provisions in the tax law that we are addressing or that this amendment addresses has to do with the sales tax exemption and the provider tax exemption. If you look at the language of the types of organizations that are exempt, they are all non-profits. It is all listed as non-profit nursing homes, non-profit residential care facilities and on and on and on. The only category that falls within these exemptions that isn't labeled non-profit for hospitals. In looking into the history of this, which I did when I was on the Taxation Committee, it was simply an oversight at the time because, in fact, there were no for-profit hospitals at the time. That isn't necessarily the case today and it may not be the case in the future. This is simply a matter of making a minor adjustment in the language so that the language having to do with hospitals reflects the non-profit nature of the language in all the other exemptions listed in these particular portions of our tax laws. For that purpose, I urge you vote in favor of this particular amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

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

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Was this issue brought to the Taxation Committee during its deliberations on this bill? The title is "An Act to Make Minor Substantive Changes to the Tax Laws."

The **SPEAKER**: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We did not, in the committee, explore an elimination of the sales tax exemption, which currently applies to for-profit hospitals. The issue of changing the sales tax treatment was just not raised as part of this bill's evaluation.

Representative **MILLS** of Farmington moved that **House Amendment "A" (H-1002) to Committee Amendment "A" (H-974) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1002) to Committee Amendment "A" (H-974)**.

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 Sanford, Representative Bowles.

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

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wonder if someone could give me an example of an incorporated non-profit hospital?

The **SPEAKER**: The Representative from Sanford, Representative Bowles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In fact, nearly all of the hospitals in Maine are incorporated non-profit hospitals. The only exceptions that I am aware of used to be Jackson Brook Institute until it was essentially purchased by Maine Medical Center. The New England Rehab Center also was a for-profit hospital. At this point I believe it has been taken over by Maine Medical Center as well. All the hospitals in Maine traditionally and historically, with a couple of very minor exceptions, have been non-profit in nature. Again, as I mentioned earlier, the intention is just to update this language and take this opportunity. We know that in other states there are for-profit hospitals. In fact, that is becoming much more prevalent in other states. This is just an effort at a time when we are cleaning up language to make this minor adjustment in this particular portion of our tax laws.

On motion of Representative **CUMMINGS** of Portland, **TABLED** pending the motion of Representative **MILLS** of Farmington to **INDEFINITELY POSTPONE House Amendment "A" (H-1002) to Committee Amendment "A" (H-974)** and later today assigned. (Roll Call Ordered)

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

ENACTORS

Emergency Measure

An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills

(H.P. 1418) (L.D. 2018)
(C. "A" H-958)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect the Privacy of Cellular Telephone Customers

(H.P. 1436) (L.D. 2038)
(H. "A" H-956 to C. "A" H-892)

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

Representative **FISCHER** of Presque Isle **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 490

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

NAY - NONE.

ABSENT - Bliss, Brown R, Dugay, Goldman, Marean, Millett, Moore G, Pineau, Shields, Smith W, Stedman, Thomas.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1458) (L.D. 2062)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

(S.P. 827) (L.D. 2095)
(H. "A" H-967)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 9 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow Small Businesses To Participate in Liquor Sales

(H.P. 1260) (L.D. 1820)
(S. "A" S-560 to C. "A" H-821)

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

Resolves

Resolve, To Ensure Coordination and Effectiveness in the Provision of Services under the MaineCare Noncategorical Waiver

(H.P. 1208) (L.D. 1701)
(C. "A" H-964)

Resolve, To Direct the Public Utilities Commission To Examine Continued Participation by Transmission and Distribution Utilities in This State in the New England Regional Transmission Organization

(H.P. 1338) (L.D. 1897)
(C. "A" H-959)

Resolve, To Ensure Appropriate Reimbursement of Rising Heating Costs for Long-term Care Facilities

(H.P. 1402) (L.D. 2000)
(C. "A" H-963)

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

An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program

(H.P. 1426) (L.D. 2025)
(C. "A" H-910)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I ask you to vote against Enactment of item (10-6) this bill, although well intentioned, proposes to increase the reimbursement level of the Circuit Breaker Program to \$5,000. It has a fiscal note of \$19 million in the current biennium, \$22 million in the subsequent biennium and \$24 million following that. The fact of the matter is we obviously have no means whatsoever to pay for this. We are going to create a false expectation by even passing it. All we are really doing is creating more work for the Appropriations Committee. This is going to be back to the Appropriations Committee where it is going to go on the table. They are then going to have to send it back to us to be killed when we run the table. There is really very little point in passing it. It is going to be out there for one week until it comes back and gets killed. I ask you to save them the work, save us the work at a later date. Let's just dispense with it now.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. The fundamental issue here is what we are willing to take a stand for. The fundamental issue here is it a matter of providing false expectations or talking about the politics of possibility and making commitments to our constituents. We have constituents in every one of our districts who desperately need the relief that this bill will provide. That goes without saying. A year and a half ago we came here, I mentioned this the other day, in the spirit of all of us recognizing the need to provide property tax relief. We did that to a certain extent in actions that we have taken so far. This is an effort to take it to another level. Is it somewhat problematic in terms of the fiscal note? I acknowledge that. That doesn't mean that we don't go on record as committed to dealing with property tax relief for needy residents of this state.

The Circuit Breaker Program is a very, very good program in the sense that it targets property tax relief to the people who need it the most. This was a strong recommendation from the Commission on Liveable Wages.

We talk about the concern that has been expressed here in the lobby that we equate liveable wage with minimum wage. We, as a joint select committee or as a study commission on liveable wages, really made an effort to distinguish those two things. There are a variety of mechanisms available to this body to be able to provide relief to people who need it the most so that the money that they make goes further than is currently the case. Providing property tax relief to people who don't make a lot of money is an excellent way of increasing the buying value of the wages that they make. I urge you to vote in support of this. I can assure you that the Appropriations Committee will do justice to it. I appreciate your support. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To anyone who may answer, preferably from the Appropriations Committee, you let us know after we did the last supplemental budget, how much is left on the table and how many bills are on that hoping table hoping for funding.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Seven hundred and fifty thousand dollars. I certainly appreciate the concern that the Republican Leader has for our hard work and our needs. I would remind him, however, that there are many, many bills on this table already or heading to that table that have large price tags supported by both bodies. In our committee, we are talking about peeling off everything over \$1 million as the next layer. Some members have asked that things be held for a little longer that are over a million dollars. So, I believe we can handle this. We will deal with everything. Easter is coming, so you never know.

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

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill takes us down another path. That is the legitimizing of this concept of the liveable wage. The commission appears to have adopted it, but this body has not. I would ask you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. The issue before us is property tax relief to our constituents who need that support at this time. I understand that there are some differences of opinion about minimum wage. I suggest to you that the fact of the matter is that we know that one-third of the working people in the state make less than liveable wage. That is the data that has been presented. It means that one out of every three of your constituents, one out of every three of the people whose doors you knock on, one out of every three of the people who you greet at the polls are people, your neighbors, your children, your grandchildren, your friends, the people who provide services to you in your community fall in that category. In this particular case, not only will they get relief, but others as well, who make more than liveable wage, but still don't make so much money that they couldn't benefit from some property tax relief. I urge you to support this bill as the good Representative from Portland pointed out, we have passed numerous bills that have ended up on the Appropriations Table. I believe that the amount of bills pending on the Appropriations Table is in the area of hundreds of millions of dollars. It is Republican bills, Democratic bills. It is those bills that we feel strongly about that we believe we need to send a message to our constituents on even if we fall short in being able to fund them this particular session. I respectfully request your support on this bill. Thank you Mr. Speaker.

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

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

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

Representative **BIERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To anyone who might be able to answer this, have we recently expanded the Circuit Breaker Program within the last two years?

The **SPEAKER**: The Representative from Sorrento, Representative Bierman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a member of the Joint Select Committee on Property Tax Reform, Representative Bierman, you are right. We increased it from \$1,000 to \$2,000. We also recognized even our deliberations of the joint select committee the limitations of that. There was some discussion at that time to increasing it to the \$5,000 limit that is included in this particular legislation before us this evening. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative Richardson.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a rhetorical question, where is the money going to come from to pay for this particular bill?

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Davis.

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

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Didn't we also increase the cap of the amount of wages someone could earn to be eligible for the Circuit Breaker Program last session?

The **SPEAKER**: The Representative from Augusta, Representative Davis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The answer is yes.

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

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that something needs to be cleared up about this bill. This bill changes the benefit base. The benefit base is now at \$3,000 for a single member household and the benefit base for a household of two or more members is \$4,000. This would increase the benefit base for both to \$5,000. The benefit will still be \$2,000.

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

ROLL CALL NO. 491

YEA - Adams, Ash, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Rines, Schatz, Simpson, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Babbidge, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressesey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Mills, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Bliss, Brown R, Dugay, Goldman, Marean, Millett, Moore G, Pineau, Shields, Smith W, Stedman, Thomas.

Yes, 64; No, 75; Absent, 12; Excused, 0.

64 having voted in the affirmative and 75 voted in the negative, with 12 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act

(H.P. 1494) (L.D. 2103)

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

On motion of Representative NORTON of Bangor, was **SET ASIDE**.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1495) (L.D. 2105)

PASSED TO BE ENGROSSED in the House on April 10, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-579)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Legal and Veterans Affairs To Study the Adequacy of Information Provided by the Office of the Secretary of State Regarding Referendum Questions

(H.P. 1482)

READ and PASSED in the House on March 23, 2006.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

CONSENT CALENDAR

First Day

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

(S.P. 818) (L.D. 2086) Bill "An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-583)**

(H.P. 1297) (L.D. 1857) Bill "An Act To Clarify Municipal Valuations of Resort Property" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-993)**

(H.P. 1348) (L.D. 1907) Bill "An Act To Amend the Law Governing DNA Testing" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-994)**

(H.P. 1386) (L.D. 1979) Bill "An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-996)**

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

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.

An Act To Amend the Notice of Risk to Personal Data Act
(H.P. 1417) (L.D. 2017)
(C. "A" H-925)

TABLED - April 10, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - PASSAGE TO BE ENACTED.

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

On motion of Representative JOY of Crystal, the House adjourned at 9:45 p.m., until 10:00 a.m., Wednesday, April 12, 2006 in honor and lasting tribute to Burns Lilley, of Smyrna Center.