

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 6, 2006 - June 5, 2007

Pages 1-681

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST REGULAR SESSION  
27th Legislative Day  
Wednesday, April 4, 2007

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

Prayer by Father Louis Phillips, Augusta/Gardiner Catholic Parishes.

National Anthem by Lindsey Geroux, Milford.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 649)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO SAFEGUARD THE STATE'S ROLE IN INTERNATIONAL TRADE AGREEMENTS**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the State of Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy; and

WHEREAS, the State of Maine seeks to maximize the benefits and minimize any negative impacts of international trade; and

WHEREAS, existing trade agreements have impacts that extend significantly beyond the bounds of traditional trade matters such as tariffs and quotas and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and regulatory authority; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with states on the far-reaching impact of trade agreements on state and local laws, even when binding the State of Maine to the terms of these agreements; and

WHEREAS, existing trade agreements have not done enough to ensure a level playing field for Maine workers and businesses or to include meaningful human rights, labor and environmental standards, which hurts Maine businesses, workers and communities; and

WHEREAS, the negative impact of existing trade agreements on the State's constitutionally guaranteed authority to protect the public health, safety and welfare and regulatory authority has occurred in part because United States trade policy has been formulated and implemented under the Trade Promotion Authority, or Fast-Track, process; and

WHEREAS, the Trade Promotion Authority eliminates vital checks and balances established in the United States Constitution by broadly delegating to the Executive Branch authority reserved for Congress to set the terms of international trade; and

WHEREAS, the Trade Promotion Authority circumvents normal congressional review and amendment committee procedures, limits debate to 20 hours total, forbids any floor amendments to the implementing legislation that is presented to Congress and generally creates a nontransparent trade policy-making process; and

WHEREAS, the Trade Promotion Authority is not necessary for negotiating trade agreements, as demonstrated by the existence of scores of trade agreements, including major pacts such as the agreements administered by the World Trade Organization, implemented without use of Fast-Track; and

WHEREAS, the current grant of the Trade Promotion Authority expires in July 2007; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States create a replacement for the Trade Promotion Authority system so that United States trade agreements are developed and implemented using a more democratic and inclusive mechanism that entails meaningful consultation with states; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States fully fund and support export promotion programs and Trade Adjustment Assistance programs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to Ambassador Susan Schwab, United States Trade Representative, and to each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED** in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 145)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 2, 2007

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 60	An Act To Authorize a General Fund Bond Issue for Maine's Roads and Bridges
L.D. 188	An Act To Authorize a General Fund Bond Issue for Public Transportation in Rural Areas
L.D. 292	An Act To Authorize a General Fund Bond Issue To Help Construct a Recreation Center for the City of Presque Isle
L.D. 335	An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy
L.D. 357	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program
L.D. 376	An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund

L.D. 417 An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges

L.D. 426 An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses

L.D. 427 An Act To Authorize a General Fund Bond Issue for Recreational Facilities

L.D. 440 An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program

L.D. 445 An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund

L.D. 450 An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts

L.D. 538 An Act To Authorize a General Fund Bond Issue To Promote Increased Research and Development Collaboration between the Environmental and Energy Technology Sector and the University of Maine System

L.D. 718 An Act To Authorize a General Fund Bond Issue To Stimulate the Midcoast Economy

L.D. 746 An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Water Access and To Access Matching Contributions

L.D. 777 An Act To Authorize a General Fund Bond Issue for Affordable Rental Housing

L.D. 806 An Act To Authorize a General Fund Bond Issue for the Maine Biomedical Research Fund to Create Jobs and Strengthen Maine's Economy

L.D. 858 An Act To Authorize a General Fund Bond Issue for the University of Maine for Research and Development

L.D. 863 An Act To Authorize a General Fund Bond Issue for Acquiring Land and Water Access through the Land for Maine's Future Program

L.D. 896 An Act To Authorize a General Fund Bond Issue for the Cleanup of Hazardous Waste Sites (EMERGENCY)

L.D. 1019 An Act To Authorize a General Fund Bond Issue To Replenish the School Revolving Renovation Fund

L.D. 1149 An Act To Authorize a General Fund Bond Issue To Improve Child Care Facilities in Maine

L.D. 1222 An Act To Authorize a General Fund Bond Issue for Wastewater Infrastructure on the Penobscot River and To Require Testing Relating to Publicly Owned Treatment Works

L.D. 1245 An Act To Authorize a General Fund Bond Issue To Encourage Research and Development in Renewable Energy

L.D. 1312 An Act To Authorize a General Fund Bond Issue for the Preservation of Forest Lodge in the Town of Upton

L.D. 1344 An Act To Authorize a General Fund Bond Issue To Support Maine's Economy and Quality of Place through the New Century Community Program

L.D. 1402 An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine

L.D. 1448 An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities

L.D. 1513 An Act To Authorize a General Fund Bond Issue To Fund Water and Wastewater Infrastructure

L.D. 1520 An Act To Authorize a General Fund Bond Issue for Biorefineries

L.D. 1531 An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program

L.D. 1611 An Act To Authorize a General Fund Bond Issue for Research and Development to Create Jobs in Maine's Emerging Biobased Plastics Industry

L.D. 1677 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development

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

Sincerely,  
S/Sen. Margaret Rotundo  
Senate Chair  
S/Rep. Jeremy Fischer  
House Chair

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To License Certified Professional Midwives To Promote Greater Public Safety and Access"

(H.P. 1275) (L.D. 1827)

Sponsored by Representative SMITH of Monmouth.  
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BEAUDETTE of Biddeford, BEAULIEU of Auburn, CLEARY of Houlton, PIOTTI of Unity, PRATT of Eddington, SAMSON of Auburn, SILSBY of Augusta, Senator: WESTON of Waldo.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee"

(H.P. 1274) (L.D. 1826)

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

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act To Allow a Casino in Oxford County"

(H.P. 1276) (L.D. 1828)

Sponsored by Representative PATRICK of Rumford.  
Cosponsored by Senator BRYANT of Oxford and Representatives: DRISCOLL of Westbrook, DUPREY of Hampden, JACKSON of Allagash, MAREAN of Hollis, SIMPSON of Auburn, TUTTLE of Sanford, Senator: MARRACHÉ of Kennebec.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**NATURAL RESOURCES**

Bill "An Act To Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves"

(H.P. 1272) (L.D. 1824)

Sponsored by Representative BERRY of Bowdoinham.  
Cosponsored by Senator BENOIT of Sagadahoc and Representatives: CANAVAN of Waterville, DUCHESNE of Hudson, EBERLE of South Portland, KOFFMAN of Bar Harbor, MIRAMANT of Camden, Senator: PERRY of Penobscot.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Groundwater Oil Clean-up Fund"  
(H.P. 1273) (L.D. 1825)

Sponsored by Representative JOY of Crystal. (BY REQUEST)  
Cosponsored by Representatives: ANNIS of Dover-Foxcroft, HAMPER of Oxford.

**TAXATION**

Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"

(H.P. 1271) (L.D. 1823)

Sponsored by Representative BERRY of Bowdoinham.  
Cosponsored by Senator PERRY of Penobscot and Representatives: BEAUDOIN of Biddeford, BRAUTIGAM of Falmouth, CLARK of Millinocket, FINCH of Fairfield, HINCK of Portland, Senators: HOBBS of York, MITCHELL of Kennebec.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**Pursuant to Statute  
Department of Education**

Representative NORTON for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1269) (L.D. 1821)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute  
Joint Standing Committee on Judiciary**

Representative SIMPSON for the **Joint Standing Committee on Judiciary** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"

(H.P. 1270) (L.D. 1822)

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

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

Sent for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

April 4, 2007 as the League of Young Voters Day in Maine. Since April 2004, the League of Young Voters has engaged Maine's youth in the political process and built a membership of nearly 6,000 people, with a goal of training the next generation of civic leaders and community organizers. The league has made politics positive and accessible to Maine's young people. We extend our congratulations to the members of the League of Young Voters on their valuable work and we salute them on this day of recognition;

(HLS 239)

Presented by Representative HASKELL of Portland.  
Cosponsored by Senator STRIMLING of Cumberland, Senator BRANNIGAN of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Speaker CUMMINGS of Portland, Representative HARLOW of Portland, Representative HINCK of Portland, Representative ADAMS of Portland, Representative RAND of Portland.

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

**READ.**

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

**In Memory of:**

B. Maurice "Moe" Morin, of Auburn, the voice of the MAINEiacs. Mr. Morin was born in Lewiston, was educated in local schools and served his country in the U.S. Navy during World War II. He was a policeman for the City of Auburn and later worked and retired from Bath Iron Works. Mr. Morin will be remembered mainly as the voice of the MAINEiacs hockey team. Anyone who attended a game at the Central Maine Civic Center, or later the Androscoggin Bank Colisee, has been privileged to hear the dulcet tones of Mr. Morin, dressed resplendently in tails, singing the National Anthem. His singing reflected the passion that he felt for the flag and for his community and country. Mr. Morin will be greatly missed and long remembered; the anthem will go on at the Colisee but it will never be the same;

(HLS 266)

Presented by Representative MAKAS of Lewiston.  
Cosponsored by Senator ROTUNDO of Androscoggin, Representative WALCOTT of Lewiston, Representative CRAVEN of Lewiston, Representative WAGNER of Lewiston, Representative SAMSON of Auburn, Senator SNOWE-MELLO of Androscoggin, Representative SIMPSON of Auburn, Representative BEAULIEU of Auburn, Representative BERUBE of Lisbon.

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. I met Moe Morin at a MAINEiacs game during the MAINEiacs' first season in Lewiston. Before each game, Moe went onto the ice to sing the Canadian and American National Anthems. To do this, he had to walk right past the seats that we had that season and every year since.

Often times Moe and I had a few minutes before the start of the game to chat. That is how I discovered what a dear, sweet, special man Moe Morin was.

Moe loved hockey and the MAINEiacs. He was a true fan. But even more, Moe loved our country and he considered it a great honor to be invited to sing the National Anthem, especially for his beloved Lewiston MAINEiacs. He told me that he had served his country proudly in World War II. He always wore coat and tails when singing the National Anthem. He did this out of respect for our country and our flag. Moe's incredible voice further demonstrated that pride.

Moe sang the National Anthem here in this Chamber, at my invitation, a few years ago. I was honored to be his sponsor. I believe that Moe enjoyed his visit here. I know how much we enjoyed his being here. To hear that beautiful, melodious voice from a World War II Veteran, decked out in coat and tails in honor of our country, reminded us all once more about what it is all about. Thank you, Moe, for that.

So Moe loved hockey, he loved the MAINEiacs, he loved our country, but most of all he loved his family—his wife, whom he missed greatly, and his children of whom he was so proud. My sincerest condolences go to you, his family, on your loss of this kind, good-hearted man. I am honored to have known him. Thank you for sharing him with us briefly. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in memory of Moe Morin. I can relay a personal experience quickly.

This year, the MAINEiacs, the hockey team in Lewiston that the good Representative from Lewiston and I both attend the season games—the first playoff game this season—usually it is a tremendous honor for someone to sing the National Anthem at the first game of the playoffs.

Well this year, we were honored and thrilled to have a recording of Moe singing the National Anthem and in memory of himself for the first game of the playoffs. I too, rise in memory of Moe Morin. Thank you, Mr. Speaker.

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

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### CONSENT CALENDAR

#### First Day

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

(S.P. 121) (L.D. 377) Bill "An Act To Fund a Joint Appointment for a Groundfish Ecologist" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 365) (L.D. 481) Resolve, Directing the Department of Education To Review and Assess Distance Learning Opportunities for High School Students Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 859) (L.D. 1178) Bill "An Act To Update and Clarify Laws Relating to Maine's Community Colleges" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 10) (L.D. 9) Bill "An Act To Continue the Axle Weight Law Changes beyond September 15, 2007" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-48)**

(H.P. 381) (L.D. 497) Bill "An Act To Allow Funeral Processions To Use Certain Lights" Committee on

**TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)**

(H.P. 494) (L.D. 645) Bill "An Act To Promote Municipal Energy Conservation" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-45)**

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

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### CONSENT CALENDAR

#### Second Day

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

(H.P. 854) (L.D. 1173) Bill "An Act To Clarify the Application of the Definition of 'Tract or Parcel of Land' under the State Subdivision Laws"

(H.P. 55) (L.D. 57) Bill "An Act Regarding the Slaughter of Animals" (C. "A" H-43)

(H.P. 127) (L.D. 145) Bill "An Act To Allocate a Portion of the Land for Maine's Future Fund for the Purchase of Archeological Sites" (C. "A" H-44)

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

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### BILLS IN THE SECOND READING

#### Senate as Amended

Bill "An Act To Increase the Bonding Capacity of the Maine Turnpike Authority"

(S.P. 104) (L.D. 321)

(C. "A" S-24)

#### House as Amended

Resolve, To Reduce the Size of State Government by Four Percent

(H.P. 434) (L.D. 556)

(C. "A" H-37)

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.

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### ENACTORS

#### Emergency Measure

An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine

(H.P. 476) (L.D. 627)

(C. "A" H-30)

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. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### Emergency Measure

An Act To Amend the Charter of the Harrison Water District

(H.P. 668) (L.D. 878)

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. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Amend the Charter of the Long Pond Water District  
(H.P. 716) (L.D. 941)

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

**Acts**

An Act To Amend the Debt Management Services Laws  
(S.P. 43) (L.D. 135)  
(C. "A" S-20)

An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums  
(S.P. 46) (L.D. 138)  
(C. "A" S-21)

An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council  
(H.P. 213) (L.D. 257)  
(C. "A" H-32)

An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances  
(S.P. 153) (L.D. 466)

An Act To Change the Name of the Maine State Retirement System  
(S.P. 167) (L.D. 512)

An Act To Clarify Portions of the Laws Governing InforME  
(S.P. 216) (L.D. 679)

An Act To Encourage Greater Public Input into the State Environmental Licensing Process  
(H.P. 647) (L.D. 848)

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.

An Act To Improve the Control and Prevention of Invasive Plant Infestations  
(H.P. 135) (L.D. 153)  
(C. "A" H-28)

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

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

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

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

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

**ROLL CALL NO. 23**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard,

Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Ceбра, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Holman, Hotham, Jackson, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Wagner, Walcott, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Cressey, Farrington, Gerzofsky, Jacobsen, Makas, McFadden, Pineau, Richardson E, Tuttle, Vaughan, Webster.

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.

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

Expression of Legislative Sentiment recognizing April 4, 2007 as the League of Young Voters Day in Maine.

(HLS 239)

Which was **TABLED** by Representative HASKELL of Portland pending **PASSAGE**.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a pleasure for me to present this sentiment here today, in recognition of some hard work that has been done at the grassroots level by a very, active group of young people in my area, who are beginning to spread their work all through the State of Maine. You are going to be seeing them coming to your towns and to your counties. They have been very active in their civic involvement projects, particularly active in voter registration and participation in public policy. For that they are to be highly commended. I thank you, Ladies and Gentlemen, for your attention to this matter today.

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

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.

Bill "An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing"

(S.P. 602) (L.D. 1695)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

TABLED - April 2, 2007 (Till Later Today) by Representative SIMPSON of Auburn.

PENDING - **REFERENCE IN CONCURRENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY** in sent for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases

(S.P. 648) (L.D. 1819)

- In Senate, **REFERRED** to the Committee on **TAXATION.**

TABLED - April 3, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **REFERENCE IN CONCURRENCE.**

Subsequently, the RESOLUTION was **REFERRED** to the Committee on **TAXATION** in concurrence.

**SENATE PAPERS**

Bill "An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program"

(S.P. 650) (L.D. 1820)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**REPORTS OF COMMITTEE**

**Change of Committee**

Representative SMITH from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prevent Overcharging for Prescription Drug Copayments"

(H.P. 607) (L.D. 807)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

Sent for concurrence.

Representative NORTON from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Financial Literacy Program"

(H.P. 187) (L.D. 216)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY.**

Sent for concurrence.

Representative MARLEY from the Committee on **TRANSPORTATION** on Bill "An Act To Allow Early Retirement for Captains in the Maine State Ferry Service"

(H.P. 584) (L.D. 763)

Reporting that it be **REFERRED** to the Committee on **LABOR.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR.**

Sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 480) (L.D. 631) Bill "An Act To Strengthen OUI Laws As They Pertain to Drugs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 454) (L.D. 587) Bill "An Act To Protect and Improve Lake Water Quality" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-49)**

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices"

(H.P. 332) (L.D. 416)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)** in the House on March 27, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29) AS AMENDED BY SENATE AMENDMENT "A" (S-25)** thereto in **NON-CONCURRENCE.**

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

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

Representative **CLARK:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. On Roll Call No. 22, if I was present voting, I would be voting Yea.

The House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

The House recessed until 6:45 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:

**CONSENT CALENDAR**

**First Day**



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

(S.P. 640) (L.D. 1796) Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-26)**

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

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

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**ENACTORS**  
**Bond Issue**

An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections and the June 2008 Election and To Transfer Certain Funds

(S.P. 640) (L.D. 1796)  
(C. "A" S-26)

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

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. What we do here in this Chamber, what some people would call politics, is not really a job—and it should not be. It is not about collecting a paycheck, but rather it is about having a passion for public service, and about being on a mission to leave this state in a better condition for the next generation than when the mantle of leadership was passed to all of us. It was with that bipartisan spirit and that worthy purpose that our Committee deliberated on this important legislation. It was because of that spirit and that purpose that we came to a unanimous report on this bond package. I just wanted to describe for you briefly, what this bond package includes.

There will be three elections—in June 2007, in November 2007, and June 2008. Over those three elections, there will be \$295 million worth of bonds, offered to voters for their consideration.

In the first election, in June 2007, there will be a total of \$131,275,000. Those moneys will be for transportation, primarily for roads and bridges, and also for environmental projects, for clean water and drinking water.

In November 2007, there will be three questions on the ballot. The first will be about education and cultural affairs, for the University, the Community Colleges, and Maine Maritime Academy, for the School Revolving Loan Program, and for the New Century Grant Program. There will also be a question about research, development, and commercialization. That will be \$55 million, \$50 million of which will go through a competitive process with the Maine Technology Institute. The other \$5 million, which will go through the Maine Rural Development Authority, the Economic Recovery Loan Program, the Regional Economic Development Revolving Loan Fund, and the Agricultural Marketing Loan Fund. The final question will be about natural resources. That will include Land for Maine's Future in the working waterfront, state parks and historic sites, rivers—what we call the rivers bond—it is about rivers and community economic development projects, Municipal Investment Trust Fund, and the Agricultural Water Source Fund, which is for irrigation in our agricultural community. Those three questions in November 2007 will total \$134 million.

Finally, in June 2008, we will have one question about infrastructure for roads and bridges, for other means of transportation, and for the environment.

So in conclusion, I just want to take a moment to thank the members of our Committee for their hard work during this process. They have worked incredibly long days, nights and weekends, and I must say both in sickness and in health, we worked through this process. I cannot tell you how much I respect the members of our Committee for enduring. Many of us were physically ill throughout this process. Some are still physically ill, and yet they thought it important enough to drive in a snowstorm to the peoples' House, to have a vote on this bill. So because of their dedication and because of all of the work that they put in, the people of this state will have an opportunity to vote in three elections on these bonds.

Most importantly, for all of us, this June the voters will have an opportunity to vote on incredibly pressing infrastructure needs, here in our state. So, I want to thank all of them and I want to ask all of you for your support. These bonds will move Maine forward. Mr. Speaker, when the vote is taken, I ask for the yeas and nays

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

**Representative MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to echo the words of our good House Chair, thank him for his leadership, and concur with the spirit in the content of his remarks. In so doing, I would also like to thank leadership for giving us, I would say, support and latitude without micromanaging the process.

I think there are some healthy outcomes out of these negotiations, as difficult as it has been and as significant as the long-term consequences may be. I know that many of you are going to really struggle with the magnitude of this package and the priorities that are reflected herein, and even the wisdom of making these kinds of investments. But from my point of view, we have made some sound choices. I would like to just focus on four issues, which I think may in the long-term, be looked back on as having been the right courses, the right decisions at this time in our history.

First of all, I think we have changed the focus of bonding from some arbitrary view of what would be nice to borrow, to one of a more focused decision on how much we can afford. We have changed the focus from the Chief Executive's approach to a three-year package, which would enter into the 124th Legislature's domain, to a biennial package. We have focused back on the debt service appropriations built into the biennial budgets, both the General Fund and Highway Fund, and thus we have reflected upon and endorsed the limitations contained therein. We have even had discussions about the wisdom of the LD 1 appropriation growth limits. So I think while we have not made a major push on this rhetorically, I think it is a seminal moment in the sense that we are now talking about borrowing with a focus on how much it costs us to pay back those loans.

Secondly, I think with help from the BRED Committee, and I want to publicly thank them for their very comprehensive report. We have steered this package largely towards one of open competition, away from a series of projects that are either earmarked in or carved in, or in some way specifically made a part of the product. I think that is a major step forward. We all know, and there are some in the Chamber that would wish it were

more pure than it is, but I believe it is one of the best packages that I have seen in the absence of specific set asides.

Thirdly, as the Chairman has indicated, it does focus on investments in areas of critical importance to each of us. He pointed out the three dates. Interestingly, if you look at the June 2007 and June 2008, we will be asking the voters to weigh in on their investments in our highway and water and sewer infrastructure questions—very critical, very important. I do not think any of us would question the wisdom of making investments in our statewide infrastructure that both promotes commerce and assures health in our water systems. The investments that will be before the voters in November, should we approve this tonight and the other body does the same, raise questions for some of you, but I think in the long-term we must step back and say is higher education important to our future? Is economic development critical to our employment picture and our long-term economic growth? Are the natural resources important for us to protect? And on and on, even including the purchase of land and the set aside for generations to come. I think also, in framing these investment areas, we have done something more, at least subtly and I hope by commitment from particularly our Department of Economic and Community Development. We have asked them to report back to us, early and often, on not just the input of how this money is awarded and funneled and spent, but on the outcomes it generates, short and long-term.

Finally, I think we have reached this point, at least in my view, without having to cut deals and I think among us, leadership and committee have not said, "You are the hero, you are the villain." We start the media campaign tomorrow morning. Now there is no guarantee it will not happen, but I just think that we have turned the corner in that regard. I encourage your support.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Last year while all of us were campaigning, there was a group of us that met on a regular basis, during that incredibly stressful election season, here in Augusta, to work on Maine's future.

This was the Joint Select Committee on Research, Economic Development and the Innovation Economy. We referred to ourselves as the REDIE Committee. The members of that committee was an esteemed bipartisan group, including the Representative from Vassalboro, Representative Browne; the former Representative from Belfast, Representative Ash; the Representative from Monmouth, Representative Smith; the Senator from Lincoln, Senator Dow; the Senator from Hancock, Senator Damon; the Senator from Cumberland, Senator Bromley; the Representative from Orono, me, Representative Cain; the Representative from Thomaston, Representative Rector; the Representative from Bucksport, Representative Rosen; the Representative from Presque Isle, Representative Fischer; the former Representative from China, Representative Thompson; the Representative from Bath, Representative Watson; and the Representative from Winthrop, Representative Flood.

We labored, we argued, and we fought. At the end of the day we came up with a unanimous, unanimous through consensus proposal for the State of Maine—which included a very large, much larger than this one, bond package, specifically allocated for research and economic development through the competition method. We specifically talked about how to recognize the seven targeted technology sectors in Maine and emerging sectors.

This unanimous, bipartisan report came forth and I am glad to say was embraced by the Appropriations Committee, by the BRED Committee, by the Governor's Council on Jobs, Innovation and the Economy, and many, many more. Tonight, I am so

proud that that portion of it is recognized with the \$50 million, all in competitive bond, in this bond package.

So let me be very clear, Mr. Speaker. We are not excluding anyone now. We are no longer saying only certain people get money. We are no longer putting pennies into pots. What we are doing tonight, Mr. Speaker, is saying, "Bring it on. Bring the best of the best."

We are talking about people who have been getting R & D Funds for a long time—wonderful entities—members of the Maine Biomedical Research Coalition, the University of Maine system, the Marine Researchers, and more. They are all included, as they have been in the seven targeted technology sectors, and they will be recognized in this new, competitive process.

Maine's economy should be buzzing tonight because when this bond question passes in the Fall, and I look forward to voting yes for it, I will be very proud that this Legislature has set a new, high standard for how Maine invests in R & D—and that is through competition. Thank you, Mr. Speaker. I look forward to joining you, with many other members of this body, in voting yes. Thank you

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wanted to rise only briefly to give my thanks, as a member of leadership and as a member of this caucus, to the Appropriations Committee, who I have to say, any of you who did not spend a lot of time in that Committee over the last couple of weeks, did as the good Representative from Presque Isle said, work though significant illness. I did my best to actually try to avoid them at certain points, but I do have to say that these folks went above and beyond during a very difficult time, having to wait for leadership to get done with our meetings, coming in on weekends. I just want to thank them.

I think the Appropriations Committee is a thankless job because nobody ever gets what they want or everything that they want from the Appropriations process. I think that we should all feel really good about the work that they did. It has been highlighted tonight by several of the speakers, the kinds of investments that we are making in our state and I think that we should all feel really good about those. I just want to say that I think we should leave here tonight, hopefully after having an overwhelming vote for this bond package, understanding that there is really difficult and important work ahead of us on the budget that will be far more difficult than this bond package. Just thank our Appropriations Committee and start embracing them for the difficult weeks that lie ahead for them.

The good Representative from Buckfield, Representative Hayes, has actually talked to me about our Appropriations Committee and what she can do to help. She feels very guilty that they are working all of the time, while the rest of us are going home and having dinner and doing all of things that we get to do because we have a life. She has actually proposed a "Proper Care and Feeding" of the Appropriations Committee. I know in the next couple of weeks, while working on this budget, they are going to need it. I am sure she will be willing to take suggestions. She is looking for potluck item dishes for the Appropriations Committee and I know that they will welcome that as well.

So, Mr. Speaker, I just want to thank this Committee for the hard work that they have done and I think that we should all feel good, voting for it tonight.

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 rise tonight in support of this Enactment vote. I would like to just say thank you to you, Mr. Speaker, for your leadership. I would like to thank my friends from North Haven and Bangor in the leadership corner, my friend from Ellsworth over here, and certainly the members of Appropriations, in particular, my good friend from Waterford.

I think tonight, what we stand here to do is enact a very responsible package that recognizes, first, the difference between wants and needs. It recognizes the difference between capacity and affordability. I am proud to be here tonight and be part of making a real investment that accomplishes real returns. I am proud to be part of a caucus and a Legislature that will support an investment in higher education. I am proud to be behind a bond package that supports the University and Community College System. I am proud to be part of a research and development investment designed to, as I heard a couple of times from my friend from North Haven, "jump-start the economy"—we want to be part of jump-starting the economy. I am proud to be part of legitimate, proven conservation efforts. In case it comes as a surprise to anybody, we are very proud to be part of making real investment in infrastructure. We take serious, this step tonight, to solve serious problems that we have with our highways, with our bridges, with our transportation infrastructure.

We look at this proposal tonight, not just in terms of the state investment, but also in terms of the match. That environmental needs will be met and that \$25 million means \$75 million. That a transportation infrastructure investment of \$25 or \$26 million on our part means \$75 or \$76 million. For our highways, \$110 million means \$300 million or just about—and that is real investment and addresses real needs.

Mr. Speaker, as you know, you have pledged consistently to work cooperatively with us on a two-thirds budget. We have appreciated that pledge and have taken your pledge seriously. As I look at the calendar, we kind of have no choice. We are in this together. We are going to have to work on the issues that face Maine together. We are going to have to craft a responsible budget that meets the needs of Maine's people and also recognizes the absolutely crisis state of our taxpayer. As we do this investment package tonight, we have to recognize that invest is good, but so are efficiencies and cuts where there is excess. So let's work on this together. Let's work on all of the rest of the work in the Legislature with the same spirit, with the same common goals of doing what is right for Maine. Mr. Speaker, I thank you for your leadership.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 24**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Holman, Jackson, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry,

Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Gifford, Joy, Lansley, McLeod, Thomas, Vaughan.

ABSENT - Cressey, Gerzofsky, Hotham, Jacobsen, Marean, McFadden, Watson.

Yes, 138; No, 6; Absent, 7; Excused, 0.

138 having voted in the affirmative and 6 voted in the negative, with 7 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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On motion of Representative **WATSON** of Bath, the House adjourned at 7:26 p.m., until 11:00 a.m., Thursday, April 5, 2007 in honor and lasting tribute to Julia A.H.C. Hinkley, of Bowdoinham, David "Spirit Bear" Walton, of Waterboro, Marion D. Brackett, of Millinocket and B. Maurice "Moe" Morin, of Auburn.