

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
40th Legislative Day
Tuesday, May 15, 2007

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

Prayer by Reverend Lawrence E. Merckens, Riverside Congregational Church, Vassalboro.

National Anthem by Adriana Walsh, Winslow.

Pledge of Allegiance.

Doctor of the day, Dervilla McCann, M.D., Winthrop.

The Journal of Thursday, May 10, 2007 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species"

(H.P. 296) (L.D. 366)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59) in the House on April 10, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59) AS AMENDED BY SENATE AMENDMENT "A" (S-51)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Joint Order To Create the Joint Select Committee on Prosperity

(H.P. 1018)

House **INSISTED** on its former action whereby the Joint Order was **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22)** in the House on April 25, 2007.

Came from the Senate **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) AND SENATE AMENDMENT "C" (S-19)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Increase College Attainment"

(H.P. 758) (L.D. 1040)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-180) in the House on May 3, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-180) AND SENATE AMENDMENT "A" (S-100)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 254)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

May 9, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 607 An Act To Improve Electrical Safety

L.D. 1466 An Act To Address Issues Related to Chiropractic Licensure

L.D. 1657 An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection

L.D. 1702 An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 255)

STATE OF MAINE

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

May 9, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 950 An Act To Amend the Endangering the Welfare of a Child Laws

L.D. 1085 An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Stanley J. Gerzofsky

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 256)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 9, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 364 An Act To Stop Misleading Drug Advertisements

L.D. 1751 An Act To Address Smoking in Senior Housing
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Joseph C. Brannigan
Senate Chair
S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 257)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 9, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 688 An Act To Establish a Universal Health Care Program

L.D. 1539 An Act To Implement a Single-Payor Health Care System

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

Sincerely,
S/Sen. Nancy B. Sullivan
Senate Chair
S/Rep. John R. Brautigam
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 258)

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

May 9, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 903 An Act To Assist Maine Military Families

L.D. 934 An Act To Establish Working Hours and Wages for Teenagers

L.D. 1455 An Act Concerning the Duties of Employers in the Case of Mass Employee Termination

L.D. 1546 An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours

L.D. 1586 Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings

L.D. 1599 An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development

L.D. 1809 An Act To Base Minimum Wage Increases on the Consumer Price Index

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

Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 259)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 7, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1548 An Act Concerning Nonprofit Political Action Committees

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

Sincerely,
S/Sen. Lisa T. Marraché
Senate Chair
S/Rep. John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 260)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 9, 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 Legal and Veterans Affairs has

voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1306 An Act To Protect against Discrimination in Housing

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

Sincerely,
S/Sen. Lisa T. Marraché
Senate Chair
S/Rep. John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 261)

STATE OF MAINE

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

May 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1090 An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 262)

STATE OF MAINE

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

May 9, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 108 An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards

L.D. 1168 An Act To Amend New Motor Vehicle Laws Regarding Emission Standards

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 263)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION**

May 9, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1299 An Act To Amend the Farm and Open Space Tax Law BY REQUEST

L.D. 1647 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 264)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1301 An Act To Require All Construction Vehicles To Have a Backup Sensor

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 265)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 7, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 1748 An Act Regarding Street Rods and Custom Vehicles

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 266)

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

May 9, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 1343 An Act To Encourage Vanpooling and Carpooling
L.D. 1563 Resolve, To Name 3 Bridges in Honor of Medal of Honor Recipients

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 267)

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

May 9, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 742 An Act Concerning Wholesale Power Purchases by Consumer-owned Transmission and Distribution Utilities

L.D. 743 An Act To Allow Transmission and Distribution Utilities To Generate and Sell Power
L.D. 759 An Act To Increase the Percentage of Renewable Power in Systems of Very Large Investor-owned Transmission and Distribution Utilities

L.D. 1068 An Act To Enhance Maine's Energy Independence and Security

L.D. 1340 An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market

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

Sincerely,
S/Sen. Philip L. Bartlett II
Senate Chair
S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Clarify the Authority of Municipal Boards and Committees" (EMERGENCY)

(H.P. 1340) (L.D. 1906)

Sponsored by Representative SIMPSON of Auburn.
Cosponsored by Senator MARTIN of Aroostook and Representative: FISCHER of Presque Isle, Senator: PERRY of Penobscot.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative BARSTOW of Gorham, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price"

(H.P. 1339) (L.D. 1905)

Sponsored by Representative McDONOUGH of Scarborough.
Cosponsored by Senator SMITH of Piscataquis and Representatives: CLARK of Millinocket, GERZOFKY of Brunswick, MAREAN of Hollis, PENDLETON of Scarborough, PERCY of Phippsburg, SYKES of Harrison, TARDY of Newport, WEBSTER of Freeport.

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

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

Sent for concurrence.

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:

John C. Witherspoon, of Kingfield, who has been named Maine's Financial Services Champion for 2007 by the United States Small Business Administration. Mr. Witherspoon is the Chief Executive Officer of the Finance Authority of Maine. Under Mr. Witherspoon's leadership, the Finance Authority of Maine designed a loan program to provide financing to businesses in the York area that were affected by the severe floods of last spring. We extend our congratulations to Mr. Witherspoon on his receiving this award;

(HLS 390)

Presented by Speaker CUMMINGS of Portland.
Cosponsored by Senator GOOLEY of Franklin, Representative CARTER of Bethel.

On **OBJECTION** of Representative CARTER of Bethel, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to recognize John Witherspoon, a 25-year resident of Kingfield, Maine. He is a direct descendent of John Witherspoon, a former president of Princeton University and a signer of the Declaration of Independence. His wife is a high-level administrator for both Sugarloaf and Sunday River Ski Areas.

After graduating from the University of Maine at Orono, he moved to Kingfield to take a position with the Kingfield Savings Bank. He soon rose to be president of the bank. He led the bank in exponential growth and conversion from a stock bank to a mutual bank, one of the few banks in Maine in recent years to do that. It later merged with the Camden Bank.

He is currently the CEO of FAME. In this capacity, last spring he invited the agency to create timely low-interest loans, for small businesses in York County that were adversely affected by the flood. This action of quickly setting up these loans for a lot of these businesses, to become prepared for the Memorial Day weekend, which they would not have been able to do otherwise. These loans are still in place to assure the total recovery of these small businesses.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would be remiss if I did not stand today in recognition of Mr. Witherspoon, having spent the last 6 years prior to my coming here, working at the Finance Authority of Maine. It was a great pleasure to be working with John. Since I have known him for a number of years, he was a legislative partner of mine back in the 1990's. He came down here, spent a day with me. I went up and spent a day learning something about banking. This honor is well deserved and frankly, coming from the SBA, there is much to be admired by Mr. Witherspoon and rightfully so. So, I add my congratulations today. Thank you.

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

Recognizing:

the memory of the late Stephen E. Walsh, a Winslow businessman who was posthumously named the Mid-Maine Chamber of Commerce Outstanding Professional of the Year. Mr. Walsh died last year after a year-long battle with cancer and was a prominent member of his community as both a professional and a volunteer. He was President and Chief

Executive Officer of HealthReach Community Health Centers, a network of community-based health centers in Maine dedicated to enabling those in small, rural communities to have better access to health care services. Mr. Walsh, with his wife, Donna, coached several school teams in the Odyssey of the Mind contest, a problem solving competition for students. One of the teams took second place in the Odyssey of the Mind World Finals. With his enthusiasm for life and his great sense of humor, Mr. Walsh left a legacy of inspiration. We acknowledge his dedicated service to his profession and to his community. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 406)

Presented by Representative FLETCHER of Winslow.
Cosponsored by Representative CONOVER of Oakland, Senator MARRACHÉ of Kennebec.

On **OBJECTION** of Representative FLETCHER of Winslow, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my honor this morning to recognize Stephen E. Walsh, of Winslow, as this year's Mid-Maine Chamber of Commerce Outstanding Professional of the Year honoree. Steve certainly earned this award. As President and CEO of HealthReach Community Health Centers, he led the organization that insured 36,000 Maine residents in 80 area towns, had access to quality healthcare.

In addition, Steve has served as President of the Primary Care Association. While always the consummate professional, Steve was full of energy and on the go, while exhibiting that great smile, and always had a wonderful, wonderful sense of humor. People, who knew and worked with Steve, universally expressed the same assessment of how he achieved the excellent results. They say engaging, optimistic, and an extremely caring person, a person with passion and drive. His caring passion and drive was best exemplified in Steve's commitment to the Odyssey of the Mind program. Steve went all out to ensure his Odyssey of the Mind students got the most out of their experience, and coached his team to the World Finals.

Steve and his wife, Donna and family, are great neighbors and members of the Winslow community. We are all much richer for having had the opportunity to enjoy the products of their efforts and sharing in their great moments. Steve, congratulations on your well deserved honor and thank you for all you have contributed to your communities. We will miss you, but be assured that what you have accomplished will never be forgotten. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My colleague from Winslow, like you, I am very pleased and honored to rise today to recognize the life and accomplishments of a man I was privileged to have as a friend, a colleague, and a mentor: Steve Walsh.

Mr. Speaker, as I listened to the prayer this morning from Reverend Merckens, I could not help but think of Steve when the good Reverend spoke of being involved in a cause much bigger than ourselves. Indeed, Steve is a wonderful model for us here in that regard, as a tireless worker for healthcare for all, across Maine. He is indeed an inspiration, as is his lovely and wonderful wife Donna and his family. He was a very kind and generous

man. For us to best understand his essence today, I brought a brief description of his children.

Dan Walsh is a senior at Winslow High School. He will be attending Williams College in the fall to major in geosciences; he is interested in climate change and global warming. He plays the piano and composes classical music. He was the first place winner in the Maine MTNA student composition competition. He is a member of the National Honor Society and was Commended National Merit Scholar.

Jonathan Walsh is a junior at Winslow High School. He would like to study foreign policy and international relations and philosophy in college. He is a member of the National Honor Society and first place winner in VFW Voice of Democracy Speech Contest for the region. He will be attending the American Legion Boys' State Conference in June. He plays the guitar, drums, and trumpet. He was selected to sing in the Maine All-State Music Festival this weekend. He is very active in drama in high school and an excellent cook, especially Mexican food.

Adriana Walsh, who graced us with her talent this morning singing the National Anthem, is currently an 8th grade student at Winslow Junior High School. At this point, she would like to be an English teacher and/or teach drama or dance, but we all really know that Adriana would really love to go on Broadway as a jazz singer. She was the first place winner at the VFW Patriot's Pen essay contest, a first place winner in the Holocaust and Human Rights Center of the Maine Arts Contest, for a song she and another student wrote, but the music and words were about the Holocaust, and will be attending a luncheon for that celebration on Sunday. She plays the trumpet, sings, dances, and loves drama, especially musical theatre. She has performed in several shows at the Waterville Opera House. She has been on the Civil Rights Team at school for the past three years, and for the past year, has been a monthly volunteer at the evening sandwich program in Waterville.

The legacy that Steve offers his community and state is best seen in his family. It was wonderful to have the opportunity, Mr. Speaker, in honoring Steve today, to honor the only way he would have it, frankly—to honor his family with him. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Steve Walsh was my husband's boss; my husband is a physician in a rural health center. He was a remarkable man. He was a great and gentle manager of a large pack of cranky and volatile clinicians throughout the health center network, and my husband is not the least of them. My husband would call Steve and people said this: Sometimes the phone would be held out to here. A terrific businessman, it is not easy managing several primary care sites because it is a business that is very difficult these days. He was a terrific advocate for rural health centers in these halls, and he will be greatly missed by all of us. Thank you, Mr. Speaker.

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

Recognizing:

the importance of early detection and screening for those at risk for chronic obstructive pulmonary disease, in order to reduce the financial and clinical burden of the illness upon the citizens of Maine. Chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the 4th leading cause of death in the United States and the only one of the top 5 causes for which prevalence and death rates are rising. It is a

progressive disease that affects over 59,000 residents of Maine and it generates an annual estimated cost of \$37 billion. Over 60% of those diagnosed with COPD are under the age of 65 and the incidence of the disease in women has surpassed that of men. Many patients with COPD are not diagnosed until they have reached an advanced stage of the disease, which often includes a disabling degree of lung dysfunction. Early diagnosis of COPD, including the use of spirometry, can reduce the financial burden of the illness within public programs such as Medicaid and MaineCare. Studies have proven that COPD patients benefit from disease management programs and yet COPD has often been overlooked as a chronic disease suitable for inclusion into such programs. We encourage the Maine Department of Health and Human Services, Dirigo Health's Maine Quality Forum and other stakeholders in Maine's health care community to include chronic obstructive pulmonary disease in their chronic disease management programs in an effort to reduce the financial and clinical burden of the illness to our public programs and to the citizens of Maine;

(HLS 407)

Presented by Representative MILLER of Somerville.
Cosponsored by Senator MARRACHÉ of Kennebec.

On **OBJECTION** of Representative MILLER of Somerville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When it comes to chronic disease in Maine, our report card has three C's and a D. I think we are all familiar with cardiovascular disease, we know the burdens we have in cancer, we are very caught up with our problems with diabetes, but few of us know that chronic obstructive pulmonary disease is the other bad grade on our report card.

Our death rates in Maine are higher than the national average, but the good news is that they are dropping. We do a lot in this Chamber to prevent this disease: We work on asthma issues, we work on smoking prevention, we work on air quality, and that is contributing to the drop in the disease, but access to care is another issue. The good news is that you can detect chronic obstructive pulmonary disease early with spirometry and we have arranged today, some activities that you will see on your yellow sheet, somewhere in the mess on your desk. I will talk about it more at the end of session today, but I just wanted you to know that this is a serious burden in our state. It is sort of the quiet disease that we do not often think about. Thank you, Mr. Speaker.

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

In Memory of:

Lieutenant Colonel Jay Zeamer, Jr. (Ret.), of Boothbay Harbor, who had been the last surviving Medal of Honor recipient who was a full-time resident of the State of Maine. The Medal of Honor is the highest award given in the United States for military service, bestowed for valor in combat. Lieutenant Colonel Zeamer (then Captain Zeamer) was presented the Medal of Honor in 1944 for his bravery and valor while surviving a dangerous mission in the Solomon Islands in the Pacific in which he was wounded. In addition to the Medal of Honor, Lieutenant Colonel Zeamer was awarded 2 Silver Stars, 2 Distinguished Flying Crosses, a Purple Heart and 2 Air Medals. We acknowledge his distinguished service to his Nation. Lieutenant

Colonel Zeamer will be greatly missed and long remembered by his community;

(HLS 420)

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator DOW of Lincoln.

On **OBJECTION** of Representative MACDONALD of Boothbay, was **REMOVED** from the Special Sentiment Calendar.
READ.

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

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **JUDICIARY** on Bill "An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations"

(S.P. 669) (L.D. 1855)

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

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **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** in concurrence.

Divided Report

Majority Report of the Joint Select Committee on **JOINT RULES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-99)** on Joint Order To Amend the Joint Rules Regarding Legislative Studies

(S.P. 663)

Signed:

Senators:

MARTIN of Aroostook
MITCHELL of Kennebec
ROSEN of Hancock
BARTLETT of Cumberland
WESTON of Waldo

Representatives:

GERZOFISKY of Brunswick
SMITH of Monmouth
JOY of Crystal
FITTS of Pittsfield

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

Signed:

Representative:

ADAMS of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99).**

READ.

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

Committee Amendment "A" (S-99) was **READ** by the Clerk and **ADOPTED.**

Pursuant to Joint Rule 102, this Joint Order required the affirmative vote of two-thirds of those present for passage. 116 having voted in the affirmative and 4 in the negative, 116 being

more than two-thirds of the membership present, the Joint Order has **PASSED as Amended by Committee Amendment "A" (S-99)** in 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. 412) (L.D. 534) Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 986) (L.D. 1403) Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 49) (L.D. 51) Bill "An Act To Establish a Lifetime Tribal License" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)**

(H.P. 632) (L.D. 833) Bill "An Act To Support the Maine Patent Program" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

(H.P. 696) (L.D. 921) Bill "An Act To Allow a Landowner To Alter Land within a Highway Right-of-way Held by the Department of Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-222)**

(H.P. 699) (L.D. 924) Bill "An Act To Preserve Agricultural Fairs in Rural Maine" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 724) (L.D. 964) Bill "An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)**

(H.P. 915) (L.D. 1297) Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Standards for Coastal Waters Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)**

(H.P. 979) (L.D. 1387) Bill "An Act Concerning the Taking of Nuisance Animals" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 1022) (L.D. 1452) Bill "An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)**

(H.P. 1053) (L.D. 1503) Bill "An Act To Clarify and Update the Laws Related to Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)**

(H.P. 1057) (L.D. 1532) Bill "An Act To Fund a Southern Maine Regional Applied Technology Center in Sanford" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-224)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 218) (L.D. 681) Bill "An Act Concerning the Examination of Persons in Protective Custody"

(S.P. 393) (L.D. 1205) Bill "An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply"

(S.P. 527) (L.D. 1500) Bill "An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees"

(S.P. 95) (L.D. 280) Bill "An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime" (C. "A" S-98)

(S.P. 124) (L.D. 380) Bill "An Act To Protect the Public from Dangerous Dogs" (C. "A" S-91)

(S.P. 358) (L.D. 1106) Bill "An Act To Recapitalize the Municipal Investment Trust Fund" (C. "A" S-95)

(S.P. 461) (L.D. 1313) Bill "An Act To Amend the Solid Waste Management Laws" (C. "A" S-96)

(H.P. 477) (L.D. 628) Bill "An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights"

(H.P. 38) (L.D. 37) Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY) (C. "A" H-217)

(H.P. 544) (L.D. 723) Bill "An Act To Integrate Chronic Disease Prevention and Care into the MaineCare Program" (C. "A" H-215)

(H.P. 576) (L.D. 755) Bill "An Act To Ensure the Success of All Maine Families through Early Care and Education" (C. "A" H-216)

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

BILLS IN THE SECOND READING

Senate as Amended

Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

(S.P. 214) (L.D. 677)

(C. "A" S-94)

Bill "An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws"

(S.P. 579) (L.D. 1674)

(C. "A" S-83)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS

Emergency Measure

An Act To Fund Youth Conservation Education

(S.P. 57) (L.D. 175)

(S. "A" S-79 to C. "A" S-61)

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. 131 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 Implement the Recommendations of the Allagash Wilderness Waterway Working Group

(S.P. 497) (L.D. 1419)

(C. "A" S-60)

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. 133 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 Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules

(H.P. 1323) (L.D. 1891)

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. 133 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

Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission

(H.P. 729) (L.D. 969)

(C. "A" H-178)

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. 134 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.

Acts

An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide

(H.P. 90) (L.D. 98)

(C. "A" H-159)

An Act To Enhance Screening for Breast Cancer

(H.P. 93) (L.D. 101)

(C. "A" H-181)

An Act to Prohibit the Use of Blackchin Shiners as Baitfish

(H.P. 145) (L.D. 163)

(C. "A" H-66)

An Act To Increase the State's Share of Retired Teachers' Health Insurance

(H.P. 172) (L.D. 201)

(C. "A" H-170)

An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State

(S.P. 117) (L.D. 373)
(C. "A" S-77)

An Act To Amend the Bond Requirements for Estates of Decedents
(S.P. 134) (L.D. 433)
(C. "A" S-76)

An Act To Amend the Child Support Laws
(H.P. 372) (L.D. 488)
(C. "A" H-174)

An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools
(S.P. 172) (L.D. 560)

An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty
(H.P. 450) (L.D. 583)
(C. "A" H-172)

An Act Concerning Animal Control Officers as Reporters of Abuse
(H.P. 451) (L.D. 584)
(C. "A" H-173)

An Act To Improve the Super Pack License
(S.P. 197) (L.D. 605)
(C. "A" S-86)

An Act To Amend Maine's Abandoned Vehicle Laws
(H.P. 515) (L.D. 666)
(C. "A" H-165)

An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey
(H.P. 599) (L.D. 783)
(C. "A" H-149)

An Act To Clarify the Definition of "Personal Watercraft"
(H.P. 673) (L.D. 888)
(C. "A" H-153)

An Act To Support Central Maine Community College
(H.P. 684) (L.D. 909)
(C. "A" H-146)

An Act To Amend the Maine Commercial Fertilizer Law
(H.P. 792) (L.D. 1074)
(C. "A" H-166)

An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit
(S.P. 360) (L.D. 1108)
(C. "A" S-90)

An Act To Amend the Charter of the Somerset Woods Trustees
(S.P. 369) (L.D. 1117)

An Act To Keep Private Road Maintenance Costs Affordable
(H.P. 893) (L.D. 1265)
(C. "A" H-164)

An Act To Allow the Town of Kennebunk To Adjust the Definition of Original Assessed Value for the Route 1 Municipal Tax Increment Financing District
(H.P. 945) (L.D. 1336)
(C. "A" H-176)

An Act To Make Technical Changes to the Definition of "Coastal Area" and To Aid the Implementation of the Taunton Bay Resource Management Plan
(S.P. 498) (L.D. 1420)
(C. "A" S-85)

An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention
(H.P. 1051) (L.D. 1501)
(C. "A" H-140)

An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election
(H.P. 1293) (L.D. 1857)

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 Encourage the Use of Safe Chemicals in Public Schools
(S.P. 32) (L.D. 88)
(C. "A" S-84)

Resolve, To Direct the Secretary of State To Study Issues Related to Dealer Plates
(S.P. 82) (L.D. 245)
(C. "A" S-81)

Resolve, To Preserve Maine's Electric Energy Infrastructure
(H.P. 920) (L.D. 1302)

Resolve, Regarding Tobacco Cessation and Treatment
(S.P. 499) (L.D. 1421)
(C. "A" S-89)

Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease
(S.P. 544) (L.D. 1521)
(C. "A" S-78)

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 Protect Children's Health on School Grounds
(S.P. 67) (L.D. 184)
(C. "A" S-73)

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

On motion of Representative THIBODEAU of Winterport, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative THIBODEAU: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This weekend, I attended a fundraiser at one of the local schools that is in my district and happened to notice that indeed, it had a Coca-Cola sign on it, a Coca-Cola scoreboard. I guess I would like to pose a question through the Chair to the members of the body. Given that fact that there is a Coca-Cola scoreboard in my district, does it have to be removed under this bill? If it does, who will be paying for it?

The SPEAKER: The Representative from Winterport, Representative Thibodeau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Most of the companies—that would be Coca-Cola, Pepsi-Cola, and all of those groups that had advertised through their scoreboards—have agreed to replace them at their own leisure, I should say. They are in the process of replacing all of those anyway, and they are using beverages like water and things of that sort, but it does work with them. We did not up the ante on that, it just works with them, and while they are doing that we are patient.

Representative FLOOD of Winthrop **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. 66

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Conover, Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Giles, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Kaenrath, Knight, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Priest, Rector, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Treat, Trinward, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Cebra, Chase, Clark, Cleary, Connor, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finch, Fitts, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Jacobsen, Joy, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Muse, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Rines, Robinson, Saviello, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver.

ABSENT - Cressey, Dunn, Hotham, Moore, Plummer, Rand, Richardson E.

Yes, 86; No, 57; Absent, 7; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Explore Regionalization

(H.P. 693) (L.D. 918)

Signed:

Senators:

BROMLEY of Cumberland
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
SILSBY of Augusta
SMITH of Monmouth
BEAUDETTE of Biddeford
CLEARY of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)** on same Resolve.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

MacDONALD of Boothbay
PRESCOTT of Topsham
RECTOR of Thomaston

READ.

On motion of Representative SMITH of Monmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

(H.P. 732) (L.D. 972)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-232)** on same Bill.

Signed:

Representative:

THOMAS of Ripley

READ.

Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A tax increase, is a tax increase, is a tax increase. A vote for this motion is a tax increase. I ask you to vote no.

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 cannot be quite as short and concise; I apologize because the issue is much larger than that. Several weeks ago we got, probably about a two-inch thick report; it is actually the Biennial Work Plan from the Department of Transportation that is for all of the projects that are

going forward for the next two years. We all immediately open it up to find what in that project plan is being funded throughout the state, statewide projects. That is predicated on this bill, just as it is predicated on bond funding and on gas tax revenues. I think you might recall two weeks there, just talking about the Biennial Work Plan.

Go back to fairly close to the beginning part of the session when we talked about the supplemental budget. We talked about how we had cut \$14 million out of that supplemental budget because of decreased revenues coming in to the state. Without the indexing that we are talking about, take that line—remember I asked you to draw a straight line and say that is the flat gas tax revenue that is coming in, and that is why we have this boom and bust cycle of construction in our state, and why we needed such a large transportation bond this session—take out this indexing piece and draw that line downward. This will cut \$17 million from that two-year work plan and that is quite a number of projects.

As people are asking for better roads, this is a thoughtful, systematic, consistent, and very small increase in the gas tax. A gas tax, which we all have noticed had gone up \$0.30+, simply because the market driven force is, this is less than, I believe, 7/10ths of a penny. The roads need it and I hope you support the motion, which is supported by 12 members of the Committee. Thank you.

Representative MILLS of Farmington **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

ROLL CALL NO. 67

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Emery, Finley, Gifford, Gould, Hamper, Joy, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Pinkham, Prescott, Savage, Thomas, Tibbetts, Vaughan, Weaver.

ABSENT - Cressey, Dunn, Hotham, Moore, Plummer, Rand, Richardson E.

Yes, 115; No, 28; Absent, 7; Vacant, 1; Excused, 0.

115 having voted in the affirmative and 28 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

The House recessed until the Sound of the Bell.

(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 Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Prepare for any Statewide or Regional Emergency (S.P. 385) (L.D. 1197)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFSKY of Brunswick
GREELEY of Levant
HILL of York
HANLEY of Gardiner
TIBBETTS of Columbia
HASKELL of Portland
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Representatives:

BLANCHETTE of Bangor
PLUMMER of Windham

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative BLANCHETTE of Bangor to **ACCEPT** the Minority **Ought to Pass** Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-230)** on Bill "An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament"

(H.P. 622) (L.D. 825)

Signed:

Senators:

PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton

McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill

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

Signed:
Senator:
BRYANT of Oxford

Representatives:
FINCH of Fairfield
EBERLE of South Portland
RICHARDSON of Carmel
BRYANT of Windham

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-230)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 16, 2007.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Resolve, To Extend Fall Fishing Opportunities

(H.P. 446) (L.D. 579)

Signed:
Senators:
BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:
JACKSON of Allagash
RICHARDSON of Carmel
FINCH of Fairfield
McLEOD of Lee
EBERLE of South Portland
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:
Representative:
SAVIELLO of Wilton

READ.

On motion of Representative JACKSON of Allagash, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-231)** on Bill "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

(H.P. 1167) (L.D. 1658)

Signed:
Senators:
MARTIN of Aroostook

BARTLETT of Cumberland

Representatives:
WAGNER of Lewiston
ANNIS of Dover-Foxcroft
MIRAMANT of Camden
EBERLE of South Portland
KOFFMAN of Bar Harbor
DUCHESNE of Hudson
BABBIDGE of Kennebunk
McDONOUGH of Scarborough

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

Signed:
Senator:
SMITH of Piscataquis

Representatives:
HAMPER of Oxford
AYOTTE of Caswell

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-231)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-231)** and later today assigned.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Create the Marine Research Matching Fund"

(S.P. 150) (L.D. 463)

Signed:
Senators:
BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:
BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)** on same Bill.

Signed:
Representatives:
RECTOR of Thomaston
BEAUDETTE of Biddeford

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED. READ.**

On motion of Representative SMITH of Monmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Prepare for any Statewide or Regional Emergency

(S.P. 385) (L.D. 1197)

Which was **TABLED** by Representative PINGREE of North Haven pending the motion of Representative BLANCHETTE of Bangor to **ACCEPT** the Minority **Ought to Pass** Report.

Representative HASKELL of Portland **REQUESTED** a division on the motion to **ACCEPT** the Minority **Ought to Pass** Report.

The Chair ordered a division on the motion to **ACCEPT** the Minority **Ought to Pass** Report.

A vote of the House was taken. 6 voted in favor of the same and 129 against with 1 vacancy, and accordingly the Minority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative GERZOSKY of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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 Thursday, May 10, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-142)** - Minority (6) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

(H.P. 115) (L.D. 123)

TABLED - May 2, 2007 (Till Later Today) by Representative NORTON of Bangor.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-142)** was **READ** by the Clerk.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-142)**.

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 Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I rise this morning, if it is still morning, yes it is, to urge you to think about this very carefully and to actually consider a red Not to Pass vote. The reason for that is I have found that there is just a tremendous amount of bills that we have up here. We seem to stick our fingers in a lot of people's business. I have sort of philosophical issue with that, that we have so many bills, nearly 3,000 bills here, that it is almost sort of making our job, we are sort of self fulfilling our jobs here. So, on more of a philosophical basis, I

rise to dispute this because as the Legislature, we in fact review and approve the trustees for all of our public higher education, including the University System.

Furthermore, you all are involved in approving the budget to run the University System and various campuses. We have a body of smart trustees that are there. They have to make decisions on a regular basis about the different subjects, the different majors, the different colleges, the different departments. That is what is involved day-to-day in running an active, responsive, public institution. There are many, many, many issues that come before the Board of Trustees on a regular basis, I can assure you. For a variety of reasons, they have to make those decisions that fit the market analysis and what they are doing for the education of our students in the State of Maine. We need to let them do their job.

This particular job did come through the Committee that I sit on and there were a lot of wonderful things about doing this. My issue is not about the specific subject about this bill, but about the process. If every time any of us or any of our constituency, has an idea for a new major or a new college or a new department within the University, and you circumvent the Board of Trustees or the administration of that particular university and come directly the Legislature, then we might as well not have a Board of Trustees. It negates their job.

So, my philosophy is that this is an example of a bill, of an idea that did not in fact go through the administration of the University of Southern Maine; it did not go before the Board of Trustees of the University of Maine System. It is important to go through the process. I could understand if someone felt passionately and was turned down at each step of the way and came here, which I still philosophically would not support it, but I could understand it. This particular subject did not even do those two steps. So, therefore, I would urge you to vote against this particular bill for the philosophical reasons of letting our Board of Trustees and our Universities, do the job that you all have appointed the Trustees and given them the budget to work with. Please follow my vote and vote red. Thank you.

The **SPEAKER**: The Chair will interrupt debate at a point of procedure. Technically, we had moved beyond the Majority Report and moved into discussion of Committee Amendment "A," which is simply the Fiscal Note. Further debate, unfortunately by our rules, needs to be restricted to the discussion of the Fiscal Note only, Committee Amendment "A."

The Chair advised all members to confine their debate to the question before the House.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-142). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 68

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Campbell, Canavan, Carter, Casavant, Clark, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Schatz, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Cain, Cebra, Chase, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper,

Hanley S, Jacobsen, Joy, Knight, Lansley, Lewin, Mearan, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Cressey, Hotham, Pineau, Rand, Richardson E.

Yes, 75; No, 70; Absent, 5; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 5 being absent, and accordingly **Committee Amendment "A" (H-142) was ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 16, 2007.

SENATE PAPERS

The following Joint Resolution: (S.P. 702)

JOINT RESOLUTION MEMORIALIZING THE DELEGATION OF THE 2007 NEW ENGLAND FISHERY MANAGEMENT COUNCIL TO USE THE AREA MANAGEMENT CONCEPT FOR GROUND FISH MANAGEMENT

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 delegates to the 2007 New England Fishery Management Council as follows:

WHEREAS, the rich and fabled fishing grounds of the American northeast coast first brought from the Old World to the New World Europeans who found the abundance that became the foundation of New England; and

WHEREAS, the legendary abundance of cod and other Gulf of Maine groundfish provided the bounty that sustained thousands of hardy Maine deepwater fishermen sailing seasonally from hundreds of Maine harbors; and

WHEREAS, in the last half century, the groundfish stock within the Gulf of Maine has suffered a sad depletion and has not rebounded as it has in other regions, which threatens the economy of Maine's historic fishing communities and inflicts economic hardships for Maine's remaining groundfishing families today; and

WHEREAS, as a symbol of this decline, in the 10 years from 1996 to 2006 alone Maine's active federal groundfishing permits have declined in number from 165 to 91, a dramatic 45% decline; and

WHEREAS, such impacts are reflected in the continuing loss and declining numbers of shoreside support industries, including ice suppliers, fuel vendors, fish buyers and processors, fishing gear shops, bait suppliers, boat repair businesses and transport firms, among others, and the accompanying value each added; and

WHEREAS, this loss of fish and the loss of fishing livelihoods has occurred under the current approach to management, known as "Days at Sea," which limits the number of days permit holders may go to sea and make legal landings of their catch; and

WHEREAS, "Days at Sea" has not, in the judgment of your Memorialists, achieved the overarching goal of fisheries management, which is to ensure the regeneration of long-term abundance of groundfish in the Gulf of Maine and in the New England region and to thus rebuild the equitable redistribution of our fisheries resource among fishing communities and economies; and

WHEREAS, the New England Fishery Management Council has asked for public proposals for alternative systems of management for the New England fishery to provide for a more

sustainable, renewable and equitable distribution of our historic fishing resources; and

WHEREAS, a diverse regional coalition of Maine and New England stakeholders has thus formed, including fishermen, scientists, interested citizens and conservation and harvesting interests, and has proposed a new system of resource management that meets the New England Fishery Management Council requirements, entitled "Area Management"; and

WHEREAS, "Area Management" takes into account the ecological differences between ocean regions and species and aligns the economic incentives of the fishing business with ecologically sound practices to promote greater accountability, ecological sustainability and an enduring long-term fishing industry for New England, embracing the widespread environmental, economic and social good; and

WHEREAS, the concept of "Area Management" offers the best promise to rebuild our once-fertile fishing grounds, to sustain our State's fishermen, to replenish traditional fishing stocks, to provide for the ancient livelihood of our coastal communities up and down the rugged reaches of the Gulf of Maine and to provide abundant harvests and healthy food for the present and future citizens of our nation from the waters of New England; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request the delegates from the State of Maine to the 2007 New England Fishery Management Council to support the "Area Management" concept and actively advocate for an "Area Management" concept of groundfish management for the benefit of all who now and in days to come "go down to the sea in ships, that do business in great waters"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John Pappalardo, Chairman of the New England Fishery Management Council, to Rip Cunningham, Chairman of the Multispecies (Groundfish) Committee, to Paul Howard, Executive Director of the New England Fishery Management Council, to Pat Kurkul, Regional Director of the National Marine Fishery Service, to each member of the New England Fishery Management Council and to each member of the Maine Congressional Delegation.

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

READ.

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 hate to stand between you and lunch, but I want to just briefly ask you to take a look at the Resolution on your desk today. It is a Joint Resolution about area management. It sounds like a kind of bureaucratic concept, but this about groundfishermen in the State of Maine, having the right to fish the waters off of where they live.

As many of you know, we have lost a lot of groundfishermen in this state. Where I live and east of Rockland, I think there are three remaining groundfishing permits in the entire eastern part of the State of Maine. Craig Pendleton, who is in the Gallery and a number of people across the state, have been working really hard on this concept, which would allow area management back into our communities. I think it is an incredibly important concept. We are urging our Delegation, who is going to be considering this concept this weekend, to take a look at it, especially our good Commissioner. I certainly appreciate this body's support.

The **SPEAKER:** The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just so you

know, the Marine Resources Committee fully endorses this Resolution and is very happy that it is before the body.

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

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

On motion of Representative TUTTLE of Sanford, the House adjourned at 12:05 p.m., until 4:00 p.m., Wednesday, May 16, 2007 in honor and lasting tribute to Yvon "Yvie" Bourque, of Sanford, Alice D. Swallow, of Harpswell and Theodore C. Pavone, of Millinocket.