

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
41st Legislative Day
Wednesday, May 16, 2007

(H.P. 587) (L.D. 769)

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

Prayer by The Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 703)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO REQUIRE THE UNITED STATES DEPARTMENT OF DEFENSE TO REINSTATE THE TERMINOLOGY OF "POW" OR "PRISONER OF WAR" INTO THE CLASSIFICATION OF MILITARY PERSONNEL

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 United States Congress as follows:

WHEREAS, for many years in the past the United States Department of Defense used the terminology of "POW" or "Prisoner of War" to describe a member of the military's casualty status and category for reporting purposes; and

WHEREAS, the United States Department of Defense's current term, "Missing/Captured," dramatically reduces the impact of reports and alters the responses from national and international organizations that have historically interceded in such cases; and

WHEREAS, the nature of war has changed markedly and permanently and, rather than change accordingly to provide maximum protection of all we send in harm's way, our government has established requirements that are too specific to be workable, too vague to be applicable or too confusing to achieve understanding; and

WHEREAS, the protection that should be automatically accorded those in harm's way is seriously eroded with the "Missing/Captured" classification; and

WHEREAS, American servicemen and servicewomen are not disposable items and their security and well-being are more significant than the concerns, goals, sensitivities and idiosyncrasies of our enemies, or of any other nation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress require the United States Department of Defense to reinstate "POW" or "Prisoner of War" into the casualty status and category classification of military personnel; and be it further

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

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Establish the Missing Senior Citizen Alert Program"

Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) AS AMENDED BY HOUSE AMENDMENT "A" (H-218)** thereto in the House on May 10, 2007.

Came from the Senate with the Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative BLANCHETTE of Bangor, the House voted to **INSIST**.

Non-Concurrent Matter

An Act To Ensure Equitable Geographic Representation on the State Board of Education

(S.P. 240) (L.D. 791)

(C. "A" S-43)

PASSED TO BE ENACTED in the House on May 2, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43) AS AMENDED BY SENATE AMENDMENT "A" (S-107)** thereto in **NON-CONCURRENCE**.

On motion of Representative NORTON of Bangor, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents"

(H.P. 12) (L.D. 11)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185)** in the House on May 10, 2007.

Came from the Senate with Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative HAMPER of Oxford, the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 268)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
May 14, 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. 1031 An Act To Amend the Fingerprinting Law (EMERGENCY)

L.D. 1201 An Act To Amend the Forfeiture and Property Seizure Laws BY REQUEST

- L.D. 1291 Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations
- L.D. 1405 An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs
- L.D. 1662 An Act To Authorize Judges To Mandate Counseling for Juvenile Offenders

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. 269)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 14, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1292 An Act To Ensure the Provision of Necessary Conditions for Effective Education Reform
- L.D. 1325 An Act To Ensure Adequate Funding for Students of Alternative Schools

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

Sincerely,
S/Sen. Peter B. Bowman
Senate Chair
S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 270)

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

May 14, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 74 An Act To Exempt Certain Parents and Caretakers from Jury Duty

- L.D. 296 An Act To Amend the Laws Governing Indemnification Agreements
- L.D. 303 An Act To Strengthen the Whistleblowers' Protection Act BY REQUEST
- L.D. 843 An Act To Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine
- L.D. 1212 An Act To Exempt Nurse Practitioners and Physician Assistants in Active Patient Care from Jury Service
- L.D. 1335 An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals

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

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 271)

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

May 14, 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 bills out "Ought Not to Pass":

- L.D. 383 An Act To Amend the Landlord-tenant Laws
- L.D. 1232 An Act To Limit the Duration of the Placement of Campaign Signs
- L.D. 1251 An Act To Establish the Crime of Political Libel BY REQUEST
- L.D. 1549 An Act Concerning Voter Registration
- L.D. 1561 An Act To Eliminate the Placement of Campaign Signs on Public Property
- L.D. 1562 An Act To Restrict the Placement of Political Signs by Requiring Permission
- L.D. 1783 An Act To Require Photographic Identification in Order To Register To Vote (EMERGENCY)
- L.D. 1882 An Act To Clarify Certain Provisions in the Harness Racing Statutes

We have also notified the sponsors and cosponsors of each bill listed 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. 272)

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

May 14, 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. 128 Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers

L.D. 1551 An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers (EMERGENCY)

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. 273)

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

May 14, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1441 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust

L.D. 1464 An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 274)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

COMMITTEE ON TRANSPORTATION

May 14, 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. 706 An Act To Support New Drivers

L.D. 906 An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency

L.D. 1609 An Act To Require the Review of Utility Pole Placement during Road Improvement

L.D. 1795 Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower

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. 275)

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

May 14, 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. 1331 An Act To Encourage Community Wind Power Projects

L.D. 1346 An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs

L.D. 1644 Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power

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.

The Following Communication: (H.C. 276)

STATE OF MAINE

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

May 14, 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. 1637 An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act
L.D. 1794 Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine

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. 277)

STATE OF MAINE

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

May 15, 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. 522 An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites
L.D. 541 An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees
L.D. 763 An Act To Allow Early Retirement for Captains in the Maine State Ferry Service
L.D. 1406 An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers
L.D. 1435 An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services
L.D. 1569 An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate
L.D. 1583 An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire

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: (S.P. 704)

STATE OF MAINE

123RD MAINE LEGISLATURE

May 10, 2007

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated James Nimon of Augusta for appointment and Greg Cunningham of North Yarmouth for reappointment to the Maine Indian Tribal-State Commission.

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

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

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

The Following Communication: (S.P. 705)

STATE OF MAINE

123RD MAINE LEGISLATURE

May 10, 2007

Sen. Barry Hobbins

Senate Chair, Joint Standing Committee on Judiciary

Rep. Deborah Simpson

House Chair, Joint Standing Committee on Judiciary

123rd Legislature

Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Sallie Chandler of Lebanon for appointment to the Maine Human Rights Commission.

Pursuant to Title 5 M.R.S.A. §4561 this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

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

The Following Communication: (S.P. 706)
STATE OF MAINE
123RD MAINE LEGISLATURE

May 10, 2007
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has nominated Rick Lawrence of Portland and Rae Ann French of Augusta for reappointment to the Maine District Court. Pursuant to Article 5, Part 1 Section 8 of the Constitution of Maine these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

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

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)** on Bill "An Act To Renew the Promise of Higher Education"

(S.P. 337) (L.D. 1020)

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGEComb of Caribou
McFADDEN of Dennysville
STRANG BURGESS of Cumberland

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

Signed:
Representatives:
SUTHERLAND of Chapman
MUSE of Fryeburg

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97)**.
READ.

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" (S-97)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 17, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

(S.P. 212) (L.D. 675)

Signed:
Senators:
SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:
BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Farmingdale
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:
Representative:
McKANE of Newcastle

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

READ.
On motion of Representative PINGREE of North Haven, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-92)** on Bill "An Act To Limit the Activities of Political Candidates at Polling Places to Voting"

(S.P. 220) (L.D. 683)

Signed:
Senator:
PLOWMAN of Penobscot

Representatives:
MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
NASS of Acton
GOULD of South Berwick

BLANCHETTE of Bangor
HOLMAN of Fayette

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

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

PATRICK of Rumford
TUTTLE of Sanford

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

READ.

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

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-220)** on Bill "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission" (EMERGENCY)

(H.P. 224) (L.D. 268)

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
ADAMS of Portland
BERRY of Bowdoinham

HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
CURTIS of Madison
FLETCHER of Winslow
FITTS of Pittsfield

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Six Members of the Committee on **MARINE RESOURCES** report in Report "A" **Ought to Pass** on Resolve, To Modify the 2007 Elver Fishing Season (EMERGENCY)

(H.P. 1316) (L.D. 1883)

Signed:

Senators:

DOW of Lincoln
SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
EMERY of Cutler

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-221)** on same Resolve.

Signed:

Senator:

DAMON of Hancock

Representatives:

MacDONALD of Boothbay
ADAMS of Portland

Three Members of the same Committee report in Report "C" **Ought Not to Pass** on same Resolve.

Signed:

Representatives:

PERCY of Phippsburg
McDONOUGH of Scarborough
MAZUREK of Rockland

READ.

Representative EATON of Sullivan moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to let everybody know because there have been these questions; a lot of people are not familiar with elvers. Elvers are not alewives, they are not herrings. They are small baby eels, a young American eel, for any of those who might be wondering and they have created quite a stir for us in Marine Resources during this session.

I would like to talk a little bit about the motion for this bill and Report "B." I put this bill in as an Emergency. In the State of Maine, from the Patriots' Day storm, after 10 inches of snow, half a foot of rain, we had issues that created a disaster in many counties here in the State of Maine. Sometimes, some people do not have the opportunity for compensation or the opportunity for us, as the House of Representatives, to help people who are damaged through these kinds of circumstances—today we do.

The elver season runs from March 22 to May 31. That is a total of 70 days; excluding days that they cannot fish which are traditionally weekends. The reason why we leave Saturdays and Sundays as non-fishing days, are so that these elvers have the opportunity to make their way up streams into our lakes and our ponds, where they live for many years. Our fishermen were thumped in a very serious way by the weather that we encountered in early April. There were no elvers running until very early in May, meaning that they lost the entire month of

March, the entire month of April, leaving them in effect about 20 days with an opportunity to fish this year.

There was a time when we were over-fished in a very big way, as we have done in many industries in fishing in Maine, and we have done many steps to try to alleviate that and reduce the pressure on the resource. We have done the same with elver licenses. You cannot, any longer, obtain an elver license and there are approximately 600 elver fishermen left in the State of Maine.

I put in a Report, originally, as an Emergency measure, to try to provide relief for these fishermen, by allowing them to fish the weekends for the remainder of the season. Most elver fishermen are not full-time fishermen. They are ladies and gentlemen who go out there part-time, piecemealing their lives so that they can make their livelihood, so they can feed their families, and they can take care of the people in their communities. My proposal would have given them every day, but unfortunately, as you may be aware, it sometimes takes time to get things to the House floor in emergency situations. We are now reduced to two weekends remaining in the elver fishing season.

What my bill, actually this Resolve, and the Amendment that was brought forth by Senator Damon, cuts in half the requests that I had made. There will be two fishing days, two additional days, in the entire season, granted to the elver fishermen if this motion for this Resolve passes here today. We have an opportunity to help these people with two additional days. This is a Resolve; it is for this year and this year only, for the 2007 Season. It is not for future years, it is not for future circumstances.

This is a great compromise: It gives our fishermen a few days; it does not place a huge effort on our resource of which we are unsure, by the way, of its actual volume and how dangerously close this resource might be. We really do not know. The statistics really are not there, the science in not there, unfortunately. I am looking at balancing our desire to protect a resource with our desire to protect the men and women working in the State of Maine, trying to make a living, and as we all know, frequently is a very difficult task.

I would ask you today to please help these 600 fishermen, by providing them with two additional days in the remainder of this fishing season, to help them take care of their families. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand what Representative Eaton is attempting to do; however, I am going to ask you to vote Not to Pass on this bill because first of all, it establishes a very bad precedent. If we allow this fishery to have its two days, the next time a fishery has a rough beginning of a season, we are going to have to allow that fishery to have extra times as well. We do not know, for example, what effect those extra two days will have on the future of this fishery. As Representative Eaton said, there is no concrete number.

We do know, however, that we can look at the groundfish industry and sea urchin industry, and see what over fishing has done to those two industries. The groundfish industry, right now, is on the brink of going out of business, as ceasing to exist here in Maine, one of our traditional industries along the coast of Maine. The sea urchin industry, a few years ago, people were raking in thousands of dollars. Today, you cannot find a sea urchin. Why, because it was over-fished.

The elvers, we do not know what that effect will have by taking these fish these extra days. The precedent is very dangerous; it is a very slippery slope for us to get involved in. I

am asking you to vote against this bill to save the fishery and to allow the Department of Marine Resources, to do the job that they are created for and that is to handle the fishery as they see fit. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Columbia, Representative Tibbetts

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I am speaking and asking you to follow my light, my green light, on Amendment "A." These two days, what we are asking for or what the fishermen are asking for is actually only one day. For any of you that might have harvested smelts, the sea-run smelts, these fish run at night, the same way with the eels. The only actual day the fishermen feel that is going to be adequate for them and benefit them in any way, is this coming Saturday, Friday and Saturday. The week after, they may get some fish, but the tides are right for this coming weekend. We would like to get it through so that they can have at least one day to fish.

Now, we had all coastal communities, except for Washington County would be called a disaster area by the Chief Executive, and I feel that these fishermen are not asking too much to ask for these two extra days. Again, like I say, the way the tides are, this coming weekend is the only weekend that is actually going to be a benefit. Thank you and please follow my light on "A."

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Ought Not to Pass motion and I do it with a heavy heart, because I know that the good Representative Eaton and Representative Tibbetts are representing their constituents, but the Marine Resources Committee has given an awful lot of thought to this whole issue. The Marine Resources Department has come out in opposition to it. We went to the Chief Executive's Office, saying if this is truly an emergency; let the Executive's Office declare it as they did in other parts of the state.

I realize that it is only two days and it does not sound like a very big deal, and I suspect it probably is to the folks that are down there, but the eels, elvers, are running all over the state now. They have set up traps. I received a call yesterday from Boothbay Harbor, telling me the trap was in place, and I plan on going down there and looking at it because I have never seen one before. But as Representative Mazurek said, this is precedent setting. I have some concerns about that because I have a Class I Lobster License.

We recently heard testimony from Matinicus Island about their zone and the restrictions, in terms of days that they can fish out there. If we have a storm coming in, they will be back here asking us for two more days or a week, to make up for the difference when they cannot go to sea. So, I think, my friends, that you can see that trying to do the right thing could cause further problems for us down the road, so I would ask you to think strongly about how you are going to vote on this. I am going to vote no and I hope that you will also do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You see the Marine Resources Committee was well divided on this, we remained friends, and we worked hard on this. Reasonable people can disagree on this and any other bill as we have discovered. However, let me point out that the bill came in originally looking for six days of additional time, to help the elver fishermen over a very difficult season this year. The compromise that was moved by Representative Eaton, brought that down to three days and as

you heard Representative Tibbetts say, it probably may be even two or one day that we are adding to the season for the elver fishermen.

If you are in the Marine Resources Committee hearing the testimony of the Department and the Department scientists, you would have heard that they cannot tell you what the status of the elvers is. There is an absence of information about the health of that stock. We have limited licenses for the future. There are only 600, approximately, licenses in the state now, and no new ones are being introduced. We are hardly fishing hard on this stock. We have slowed the effort down and are slowly going to zero because of our state policies, but this year these fishermen need this help. I submit that when you do not have sound scientific information to make a decision, then you have people whose livelihoods depend upon a decision that we can make.

I think the wise move is to split the difference: You do not deny them completely, nor do you let them completely go after the resource. We did hear that if we gave them the whole six days, that because the run will be very short due to the weather, they could capture all of the elvers that were going upstream this year in Maine. That is why I went and supported the compromise motion for just three days, and now it is really down to two and possibly one. I urge you to support Representative Eaton's compromise amendment to the motion, to give a modest bit of help to the elver fishers, in what is already a declining fishery and that is well managed by the State of Maine. I do not believe this will do any serious harm to that elver fishery. Thank you.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The only party not present at this compromise is the resource. Now, these tiny elvers have traveled all the way from the Sargasso Sea to Maine rivers, into the rivers and ponds, to grow to adulthood, to leave again in 15 or 20 years, go back to the Sargasso Sea, spawn, and start the whole process over again. If the Department cannot tell us the health of this fishery, then why do we err on the side of the fishermen? Why are we not erring on the side of the resource?

This fishery is being decimated, not only by elver fishermen, 600 of them piled into the mouths of our few rivers, but by the dams that kill the adult eels on the way back down, on the way back out to the Sargasso Sea. We do not know, so we are going to over-fish them. We did not know about urchins, although there was some science to say that if you over fish, they are going to go away and that is exactly what happened. Two days of fishing is not going to make a difference in the overall financial lives of these elver fishermen, when you weigh that against the possibility of decimating a resource that our own Department of Marine Resources cannot give us scientific information about.

We are constantly asked by groups to "give us a break, give us a break." The only people that cannot speak on this, the only source that cannot speak on this today, are the elvers themselves. I do not want to be part of decimating a fishery that we are certainly going to regret five, ten years from now. I will vote red on this and I hope you follow that light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just rise today to tell you that my uncle is an eel fisherman. I remember very fondly, growing up with him on Merrymeeting Bay, and going out on his boat and catching mature eels.

For several decades now that fishery has been exhausted, and I only rise to say that because I think it is important for folks

to know that there once upon a time in this state, there were eel fishermen, and now the elvers appear to be the only fishermen that remain. I think Representative Watson spoke very well to some of the reasons why that may have occurred, but the truth is we do not have a lot of data. We probably do not know exactly how many eel fishermen there once were, but I can tell you that very few of them remain. I think those are some of the jobs that we also need to be thinking about here. Thank you.

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. The Committee process is wonderful. Representative Eaton has done a terrific job working this bill through the House, and I admire his efforts and his energies, and he spoke well. I would like to say that I still disagree with him and that he is wrong.

Fact: Right now, the only state on the coast that has an eel fishery is the State of Maine. Fact: Last year, the Federal Government came this close, the size of a baby eel, to putting the American Eel on the Endangered Species Act, and they decided not to. The Federal Government watches how we manage this fishery. The scientists down at DMR, Dr. Wippelhauser, are actually on the Technical Committee at the federal level for eels. She is the person who came and spoke in front of our Committee.

Right now, the eels are not running, Ladies and Gentlemen, but we do not know if they are not running because of the temperature of the water. We do not know if they are not running because of the storm. We do not know if they are not running because they are not there, because there is not as much of the resource as there has been in the past. Elvers are at the bottom of the food chain. They are very important in terms of being a forage fish for all of our other fisheries, the striped bass recreational fishery. The elvers have not started moving upstream. We do not know if it is because of the high water, and again as I said, we do not know if it is because they are not there. Two days is an enormous amount of effort.

Right now, the fishermen are allowed to fish Monday through Friday. The Amendment that Representative Eaton is putting forth would allow a sixth day. This fishing season has been managed specifically to allow there to be a catch, as well as to specifically allow two days of passage. So, are we as a Legislature, responsible for the resources of our state, willing to vote for more economic exploitation on a resource that is very fragile? Or do we take the hard position of saying, "No, you must deal with the fishing season that you have, that has been set in law for the last ten years?" The reason the weekend closed period was put into effect, was specifically to ensure that the eels could get upstream for their migration, and every year this is incredibly important because as Representative Watson said, this is about getting the eels upriver so they can grow and mature.

Right now, when we started working on this bill a couple of weeks ago, the price of eels was \$50 a pound. Today, I have been told it is up to \$400 a pound. I have an enormous fear that if we allow an extra two days of fishing, that the intense effort to catch the baby eels is going to be extreme and can be detrimental. I would rather be safe in terms of protecting the resource. I would rather be safe in terms of guaranteeing that we have more eels to study, Ladies and Gentlemen. I would rather send the message to the Federal Government that we are managing and protecting our fisheries. So, I will not be supporting Representative Eaton's motion, I will be voting Ought Not to Pass, the red button, and I hope that you will follow my light.

The SPEAKER: The Chair recognizes the Representative

from Scarborough, Representative Pendleton.

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There are a few facts that have not been mentioned in this debate, so I just want to bring them to your attention. I hope that you will be voting green, in favor of the Report "B" Amendment, which is a compromise. If you were able to look at the Report, you would see that with the compromise, there are nine people on the Committee voting in favor of allowing fishermen to have the two extra days. But if you have ever gone elver fishing, which I have—I do not have a license but I did go to observe—it is not an easy task, especially when you are 61 and rotund.

However, there is one thing that has not been mentioned and it is this: that when you go elver fishing, even if we have these two days, the fish, these little critters, run up the streams and rivers at high tide at night. So the high tide has to be at night. So, the two days now is boiled down to hours because with the next two weekends, even if we have the Friday to Saturday, one weekend, Friday, Saturday, and the next, if the high tide is not at night, it is useless to go fishing. So, I just hope that you will keep that in mind. We are not devastating the resource, we do not know, we are not sure.

I can tell you one thing that I have learned over the years dealing with elvers, is that the elvers start to run when the leaves on the oak tree are the size of a mouse's ear. That happened last week, so if you count that and you count the very short time of high tide at night, you count the fact that nine members are in favor of this compromise, then certainly I think that you would want to vote in favor of this piece of legislation. Mr. Speaker, I would ask for a roll call please.

Representative **PENDLETON** of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

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

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

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

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am wondering if anybody can tell me if Elvis is in the House.

The **SPEAKER**: The Representative from Scarborough, Representative McDonough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just got what Representative McDonough said. I do not have an answer to whether Elvis is in the House. However, I do have an answer that as the Chair of the Marine Resources Committee, it was a hard decision to go against the other members of my Committee. However, if we are being asked to be responsible for the entire resource, I take that so very seriously.

Ladies and Gentlemen, I would also ask you to remember that the lobstermen are conserving their resource, just like all the other fisheries. The elver fishermen, there is nobody that makes their living solely as an elver fisherman. All of us have to do that, work at different jobs. I am a singer and I am a legislator and that is what I do for work. My point being that we have lobstermen who do other things as well as elver fishing and so I would ask you to please remember that my biggest concern is that the Federal Government is watching how we manage this resource. If you approve two more days of fishing, we are increasing the

effort on the baby elvers, by an enormous amount. If we do not know the consequences of this effort, if we are voting for it because we think that we do not have enough science, that is not a reason to support this kind of attempt to possibly hurt the resource to the point of extinction. So, I please ask you to follow my red light. Thank you.

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

ROLL CALL NO. 69

YEA - Adams, Austin, Babbidge, Beaulieu, Berube, Blanchette, Bliss, Burns, Cain, Carter, Chase, Cleary, Connor, Cray, Dill, Driscoll, Eaton, Finch, Finley, Fischer, Fletcher, Giles, Grose, Harlow, Hayes, Jackson, Jacobsen, Lansley, Lundeen, MacDonald, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pinkham, Pratt, Rines, Rosen, Samson, Savage, Saviello, Schatz, Sirois, Strang Burgess, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Walcott, Walker.

NAY - Annis, Ayotte, Beaudette, Beaudoin, Berry, Blanchard, Boland, Brautigam, Browne W, Bryant, Campbell, Canavan, Casavant, Cebra, Clark, Conover, Cotta, Craven, Crockett, Crosthwaite, Curtis, Duchesne, Dunn, Duprey, Eberle, Edgecomb, Faircloth, Fisher, Flood, Gifford, Gould, Hamper, Hanley S, Haskell, Hill, Hincak, Hogan, Hotham, Joy, Kaenrath, Knight, Koffman, Lewin, Makas, Marean, Mazurek, McDonough, Miramant, Moore, Nass, Percy, Pilon, Pingree, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Silsby, Simpson, Smith N, Sutherland, Sykes, Treat, Trinward, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Cressey, Emery, Farrington, Fitts, Gerzofsky, Greeley, Marley, Pineau, Richardson E.

Yes, 61; No, 79; Absent, 10; Vacant, 1; Excused, 0.

61 having voted in the affirmative and 79 voted in the negative, 1 vacancy with 10 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, on motion of Representative **PERCY** of Phippsburg, Report "C" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

Six Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-233)** on Resolve, To Improve Landowner Relations

(H.P. 1151) (L.D. 1642)

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot

Representatives:

FINCH of Fairfield
WHEELER of Kittery
BRYANT of Windham
EBERLE of South Portland

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

Signed:

Senator:

GOOLEY of Franklin

Representatives:

SAVIELLO of Wilton
 McLEOD of Lee
 JACKSON of Allagash
 RICHARDSON of Carmel
 LUNDEEN of Mars Hill

READ.

On motion of Representative JACKSON of Allagash, Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-233)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, May 17, 2007.

CONSENT CALENDAR

First Day

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

(H.P. 1038) (L.D. 1476) Bill "An Act Relating to Bad Check Enforcement Programs Operated by Private Entities" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 71) (L.D. 73) Bill "An Act To Place Land in Centerville in Trust" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-239)**

(H.P. 86) (L.D. 94) Bill "An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-240)**

(H.P. 151) (L.D. 169) Bill "An Act To Place Land in Township 21 in Trust" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 370) (L.D. 486) Bill "An Act To Establish an Apprenticeship Hunter License Program" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)**

(H.P. 501) (L.D. 652) Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)**

(H.P. 656) (L.D. 867) Bill "An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 991) (L.D. 1408) Bill "An Act Concerning Harness Racing Association Funding" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)**

(H.P. 1036) (L.D. 1474) Bill "An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

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:

(H.P. 412) (L.D. 534) Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth (H.P. 986) (L.D. 1403) Bill "An Act To Provide Parity in the Laws Regarding Licensing of Electricians"

(H.P. 49) (L.D. 51) Bill "An Act To Establish a Lifetime Tribal License" (C. "A" H-228)

(H.P. 632) (L.D. 833) Bill "An Act To Support the Maine Patent Program" (C. "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" (C. "A" H-222)

(H.P. 699) (L.D. 924) Bill "An Act To Preserve Agricultural Fairs in Rural Maine" (EMERGENCY) (C. "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) (C. "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 (C. "A" H-219)

(H.P. 979) (L.D. 1387) Bill "An Act Concerning the Taking of Nuisance Animals" (C. "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" (C. "A" H-235)

(H.P. 1053) (L.D. 1503) Bill "An Act To Clarify and Update the Laws Related to Health Insurance" (C. "A" H-234)

(H.P. 1057) (L.D. 1532) Bill "An Act To Fund a Southern Maine Regional Applied Technology Center in Sanford" (C. "A" H-224)

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.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Establish a Labor Center within the University of Maine System"

(H.P. 115) (L.D. 123)
 (C. "A" H-142)

Bill "An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament"

(H.P. 622) (L.D. 825)
 (C. "A" H-230)

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

ENACTORS

Acts

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

(H.P. 296) (L.D. 366)
 (S. "A" S-51 to C. "A" H-59)

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

Resolves

Resolve, Directing the Department of Education To Encourage School Administrative Units To Encourage Secondary School Students To Apply to College

(H.P. 758) (L.D. 1040)
(H. "A" H-180; S. "A" S-100)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment 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 Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

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

TABLED - May 15, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-231)**.

Subsequently, **Committee Amendment "A" (H-231)** was **ADOPTED**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-231)** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism"

(S.P. 707) (L.D. 1907)

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.

Pursuant to Resolve

Joint Standing Committee on Natural Resources

Report of the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2005, chapter 207 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management"

(S.P. 708) (L.D. 1908)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 269) (L.D. 859) Bill "An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 405) (L.D. 1217) Bill "An Act To Improve Health Standards in Piercing Procedures" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

(S.P. 478) (L.D. 1364) Bill "An Act To Preserve and Grow Maine Small Businesses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 584) (L.D. 1678) Bill "An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on Bill "An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs" (EMERGENCY)

(S.P. 213) (L.D. 676)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFISKY of Brunswick
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
TIBBETTS of Columbia
HASKELL of Portland
SYKES of Harrison
GREELEY of Levant

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

Signed:

Representative:

BLANCHETTE of Bangor

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106)**.

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" (S-106)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 17, 2007.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)** on Bill "An Act To Increase Funding for the Spaying and Neutering of Companion Animals"

(S.P. 217) (L.D. 680)

Signed:

Senators:

NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

PIEH of Bremen
MAREAN of Hollis
GIFFORD of Lincoln
CARTER of Bethel
PIOTTI of Unity
LUNDEEN of Mars Hill
CRAY of Palmyra
PRATT of Eddington
EDGEComb of Caribou
PINEAU of Jay

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

Signed:

Senator:

ROTUNDO of Androscoggin

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-103)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 17, 2007.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Promote School Zone Safety"

(H.P. 938) (L.D. 1330)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
HOGAN of Old Orchard Beach
THOMAS of Ripley
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-245)** on same Bill.

Signed:

Representative:

MAZUREK of Rockland

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 69) (L.D. 71) Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-248)**

(H.P. 571) (L.D. 750) Bill "An Act To Support Realize!Maine To Attract and Retain Young People in the State's Workforce" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-247)**

(H.P. 737) (L.D. 977) Bill "An Act To Address the Funding Needs of Air and Ground Emergency Medical Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 823) (L.D. 1130) Resolve, To Increase Fairness in Medical Payments Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)**

(H.P. 847) (L.D. 1154) Resolve, Directing the Department of Transportation to Expend Funds for Ocean Commerce in Casco Bay (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)**

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

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

(H.P. 1277) (L.D. 1830) Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 592) (L.D. 774) Bill "An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

(H.P. 728) (L.D. 968) Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Water Level Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

(H.P. 992) (L.D. 1409) Bill "An Act To Make Technical Changes to Maine's Aquaculture Statutes" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

(H.P. 1285) (L.D. 1845) Bill "An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring"

Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-255)** on Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"

(H.P. 392) (L.D. 509)

Signed:

Senators:

DAMON of Hancock

DOW of Lincoln

SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough

EATON of Sullivan

FLETCHER of Winslow

MacDONALD of Boothbay

McDONOUGH of Scarborough

PERCY of Phippsburg

MAZUREK of Rockland

ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-256)** on same Bill.

Signed:

Representative:

EMERY of Cutler

READ.

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

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

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

On motion of Representative SAVIELLO of Wilton, the House adjourned at 5:21 p.m., until 9:00 a.m., Thursday, May 17, 2007 in honor and lasting tribute to Stan Harnden, of Wilton.