

# 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  
44th Legislative Day  
Wednesday, May 23, 2007

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

Prayer by Reverend William B. Mitchell, First Assembly of God, Portland.

National Anthem by Lawrence High School Show Choir, Fairfield.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Modify the 2007 Elver Fishing Season (EMERGENCY)

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

Report "C" (3) **OUGHT NOT TO PASS** of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in the House on May 16, 2007.

Came from the Senate with Report "B" (3) **OUGHT TO PASS AS AMENDED** of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**Non-Concurrent Matter**

Bill "An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program"

(H.P. 1341) (L.D. 1910)

**READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** in the House on May 17, 2007.

Came from the Senate **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**Non-Concurrent Matter**

Bill "An Act To Eliminate the Interest on Security Deposits for Mobile Homes"

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

Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in the House on May 17, 2007.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Reports were **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 290)

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

**COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

May 17, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 471 An Act To Clarify the Status of Lots Greater than 40 Acres on Plans Recorded for Unorganized Territory Land before September 21, 2001

L.D. 516 An Act To Make More Affordable the Surcharge on the Sale of Dogs and Cats That Have Not Been Neutered

L.D. 1350 Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey Interests of the State in Land in Lincolnville

L.D. 1698 An Act To Provide for Public Notification of Indoor Pesticide Applications

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 291)

**STATE OF MAINE**

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

May 17, 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. 1690 Resolve, Directing the Department of Professional and Financial Regulation To Study the Necessity and Feasibility of Regulating Certain Mechanical Trades

L.D. 1773 An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets

L.D. 1896 An Act To Promote Safety and Career Paths in the Electrical Trade

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.**

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The Following Communication: (H.C. 292)

**STATE OF MAINE**

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

May 17, 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. 192            Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry
- L.D. 193            An Act To Restrict Access to Certain Websites by Sex Offenders
- L.D. 195            An Act To Promote the Safety of Children
- L.D. 294            An Act Concerning Posting the Registry of Convicted Sex Offenders
- L.D. 518            An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District
- L.D. 1321           Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons
- L.D. 1351           An Act To Promote Postsecondary Education Opportunities for Juveniles under the Care of the Department of Corrections
- L.D. 1391           An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders
- L.D. 1534           An Act To Examine the Types of Sex Offenses That Require an Offender To Register with the State
- L.D. 1733           An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine (EMERGENCY)
- L.D. 1749           An Act To Create Indeterminate Sentencing and a Forensic Review Board for Repeat Sexual Assault Offenders and Sexually Violent Offenders
- L.D. 1752           An Act To Clarify the Law for Failing To Comply with the Requirements of the Sex Offender Registration and Notification Act of 1999
- L.D. 1807           An Act To Provide for Civil Commitment for Sexually Violent Predators and To Prohibit Sex Offenders from Residing Together

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. 293)

**STATE OF MAINE**

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

May 17, 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. 487            An Act Regarding Children in the Child Welfare System
- L.D. 609            Resolve, To Preserve and Support Community Treatment Options for Children's Behavioral Health Needs
- L.D. 1686           An Act To Reduce Administrative Costs in Programs Delivered to People with Mental Retardation
- L.D. 1762           An Act To Increase MaineCare Reimbursement for Speech and Language Therapists and Provide Treatment for Adults with Developmental Disabilities

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.**

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The Following Communication: (H.C. 294)

**STATE OF MAINE**

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

May 17, 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. 226            An Act To Enhance the Concept of Representative Democracy by Ensuring Basic Compensation for Elected Representatives
- L.D. 1191           An Act To Authorize a Local Bond Issue for Solid Waste, Storm and Drainage Issues and Transfer Stations

- L.D. 1636 An Act To Extend the Right To Vote by Absentee Ballot at an Annual Town Meeting BY REQUEST
- L.D. 1776 An Act To Strengthen Budget Caps for Counties, Municipalities and School Districts
- L.D. 1804 An Act To Permit Greater Voter Participation Regarding Municipal Expenditures (EMERGENCY)
- L.D. 1846 An Act To Allow Bayville Village To Separate from the Town of Boothbay Harbor and Affiliate with the Town of Boothbay
- L.D. 1867 An Act To Clarify the Intergovernmental Relationship between the Town of Boothbay Harbor and Bayville Village Corporation

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.**

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The Following Communication: (H.C. 295)

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

May 21, 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. 1022 An Act To Amend the Laws Pertaining to the Removal of Submerged Vehicles
- L.D. 1092 An Act To Exempt from the Excise Tax Fuel Used in Certain Farm Trucks
- L.D. 1572 An Act To Encourage Community-oriented Campaigns for Appropriate Sign Laws
- L.D. 1587 An Act To Strengthen Maine's Distracted-driving Penalties
- L.D. 1719 Resolve, To Improve Regional Transportation in Greater Portland (EMERGENCY)
- L.D. 1847 Resolve, Directing the Department of Transportation To Conclude Its Study of the Alternative Routes for the Wiscasset Bypass, Choose a Route and Establish a Timetable (EMERGENCY)

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.**

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The Following Communication: (H.C. 296)

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

May 17, 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. 1148 An Act To Protect Electric Ratepayers
- L.D. 1339 Resolve, To Reduce Energy Costs for Consumers
- L.D. 1495 An Act To Reduce Additional State Fees for Consumer-owned Electric Utility Customers
- L.D. 1625 An Act To Protect Maine Consumers from Windfall Profits of Generators

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.**

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The Following Communication: (H.C. 297)

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

May 21, 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. 1767 An Act To Encourage Community Network Development
- L.D. 1836 An Act To Save Money for Maine Energy Consumers through Enhanced Energy Efficiency

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.**

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The Following Communication: (H.C. 289)  
**UNIVERSITY OF SOUTHERN MAINE  
CENTER FOR EDUCATION POLICY,  
APPLIED RESEARCH & EVALUATION  
37 COLLEGE AVENUE  
GORHAM, ME 04038**

May 17, 2007  
Honorable Glenn Cummings  
Room 303, State House  
2 State House Station  
Augusta, ME 04333

Dear Speaker Cummings,  
The Maine State Legislature requested the Maine Education Policy Research Institute, University of Southern Maine Office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled *The Condition of K-12 Public Education in Maine 2007*.

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

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

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

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The Following Communication: (S.P. 711)

**STATE OF MAINE  
123RD MAINE LEGISLATURE**

May 17, 2007  
Sen. Peter B. Bowman  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs  
Rep. Jacqueline R. Norton  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
123rd Legislature  
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:  
Please be advised that Governor John E. Baldacci has withdrawn his nomination of Valerie Osborne for appointment to the Maine Community College System Board of Trustees, pursuant to Title 3 M.R.S.A. §154.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

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 **EDUCATION AND CULTURAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

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

(H.P. 1347) (L.D. 1913)

Sponsored by Representative PIEH of Bremen. (GOVERNOR'S BILL)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.  
Sent for concurrence.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Henry Schmelzer, of Somesville, who has been named 2007 Business Leader of the Year by MaineBiz. Mr. Schmelzer is President and CEO of the Maine Community Foundation and is responsible for the leadership, management and development of this community organization. He has served on numerous professional and nonprofit boards and is an active member of many organizations. We extend our congratulations and best wishes to Mr. Schmelzer on his receiving this recognition;

(HLS 455)

Presented by Representative PINGREE of North Haven. Cosponsored by Senator DAMON of Hancock, Representative KOFFMAN of Bar Harbor.

On **OBJECTION** of Representative PINGREE of North Haven, was **REMOVED** from the Special Sentiment Calendar.

**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. It is truly an honor for me today, to stand to recognize one of my constituents. While most of my constituents are lobster fishermen and people who live on offshore islands, I also have the honor of representing part of Mount Desert Island and Hank Schmelzer. He is truly an outstanding Maine citizen and leader, and I am here today to recognize him for his leadership for our state, and for his hard work as a part of the Maine Community Foundation.

Hank Schmelzer joined the Maine Community Foundation as President and CEO in the year 2000. As President, Hank is responsible for the leadership management and development of this dynamic community organization. The Maine Community Foundation truly serves every community in the State of Maine, and I have a feeling many of you sitting in this House have been touched by his leadership at one point. The Foundation has grown from \$78 million in assets to \$200 million in assets during Hank's tenure. In 2006, they awarded \$18 million in grants around the State of Maine.

Prior to entering the field of philanthropy, Hank had a career in law and financial services in Boston. He transitioned from law to business management in the 1980's and became President and CEO of New England Securities, a nationwide financial services firm. Hank completed his career in financial services in 1998, and as President and CEO of Entrustee of \$8 billion in New England Funds Mutual Group. He is a graduate of the University of Maine in 1965—I think he actually went to the University of Maine with some members of this body—and is a graduate of George Washington School of Law. He served on so many professional and nonprofit boards over the years; it is hard to name them all, but currently he is a member of Maine Sea Coast Mission, Common Good Ventures, Citizen Funds, Maine Bank & Trust, and he is President of Mount Desert Historical Society.

Hank is truly a man who has dedicated his time and his heart to improving the lives of Maine people. His recognition by

Mainebiz as the Maine Business Person of the Year, I think is not even ample recognition of the hard work that he puts in for all of us. It is certainly my honor to have him here today to be recognized. It is my honor to be his Representative, and I certainly thank the Speaker and this House for honoring him.

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

Representative **KOFFMAN**: I too, want to extend my congratulations to Hank Schmelzer for the ward of 2007 Business Leader of the Year by Mainebiz, one of my favorite publications. Representative Pingree has done an able and ample job, I think, reviewing the many accomplishments that Hank has achieved over his career, but I must say having watched the development from its very start of the Maine Community Foundation, how far it has come under Hank Schmelzer's leadership. He has built the Foundation substantially through his energetic tenure and we look forward to future years of continued growth and development, but that growth and development and all of that energy really does translate to good things in Maine communities and organizations. All of our citizens are better off today and will have better tomorrows because of Hank Schmelzer and the Maine Community Foundation. Thank you, Mr., Speaker.

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

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise, again with others, to thank Hank Schmelzer for all of his work. He works in philanthropy, I work in philanthropy. He works in the big leagues; I work in a very small foundation. One interesting part about working for a community foundation, is most of them are based in cities. Maine's is unique for representing a whole state and I think Hank has brought this foundation up into the rarefied of a large foundation and it serves all of our communities.

One last thing that I think is very important is the Maine Community Foundation has spearheaded a higher education compact with the Maine Development Foundation. I think it is one of the most important programs we have in this state, to bring up the educational status of our people and I thank Hank for doing that. I look forward to years of collaboration. Thank you, Mr. Speaker.

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

**Recognizing:**

Major Kenneth Bryant, of Phillips, who was recently awarded the Bronze Star for exceptional service during his deployment in Afghanistan. Major Bryant has 17 years of service and has been with the Maine Army National Guard since 1998. We acknowledge his dedicated service to the State of Maine and to the Nation, and we extend our congratulations to him on his receiving this high honor;

(HLS 458)

Presented by Representative SAVIELLO of Wilton.

Cosponsored by Senator GOOLEY of Franklin.

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**In Memory of:**

Timothy C. Plumer, a third-generation resident of Hallowell and a prominent member of Hallowell's merchant community.

Mr. Plumer was a graduate of Cony High School and attended Berwick Academy and Thomas College. He worked for the Kennebec Journal until 1976, and then opened up shop selling antiques and toys, especially old toy trains. He named his business Dukinfield's, in honor of W.C. Fields, and he kept the shop open nearly every day for over 30 years. Mr. Plumer was also a member of the Maine Senate Chamber staff from 1984 to 1987, and spoke fondly of his days as a courier. He was a great storyteller and had published a humorous book about Hallowell. His store was a gathering place for musicians, artists, family and friends. Mr. Plumer was known for his wit, his love of the arts and his fondness for parties. He will be truly missed by the community of Hallowell and by his family and friends;

(HLS 468)

Presented by Representative TREAT of Farmingdale.

Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative BARSTOW of Gorham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-272)** on Bill "An Act To Allocate the Number of Redemption Centers Based on Population"

(H.P. 1122) (L.D. 1600)

Signed:

Senator:

COURTNEY of York

Representatives:

BEAULIEU of Auburn

SAMSON of Auburn

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

SILSBY of Augusta

RECTOR of Thomaston

BEAUDETTE of Biddeford

CLEARY of Houlton

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

SMITH of Monmouth

**READ.**

On motion of Representative SMITH of Monmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Protect Wild Trout from Exotic Species"

(H.P. 799) (L.D. 1081)

Signed:

Senators:

BRYANT of Oxford  
GOOLEY of Franklin  
PERRY of Penobscot

Representatives:

FINCH of Fairfield  
McLEOD of Lee  
JACKSON of Allagash  
RICHARDSON of Carmel  
WHEELER of Kittery  
LUNDEEN of Mars Hill  
BRYANT of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-269)** on same Bill.

Signed:

Representatives:

SAVIELLO of Wilton  
EBERLE of South Portland

**READ.**

Representative JACKSON of Allagash moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-289)** on Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"

(H.P. 645) (L.D. 846)

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford

Representatives:

MOORE of Standish  
WEDDELL of Frankfort  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township  
NASS of Acton  
GOULD of South Berwick  
BLANCHETTE of Bangor  
FITTS of Pittsfield

**READ.**

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

Representative NASS of Acton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

On motion of Representative PATRICK of Rumford, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, Authorizing Matthew Haskell To Sue the State

(H.P. 551) (L.D. 730)

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort  
PINKHAM of Lexington Township  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford  
NASS of Acton  
GOULD of South Berwick  
BLANCHETTE of Bangor  
FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on same Resolve.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

MOORE of Standish

**READ.**

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

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#### CONSENT CALENDAR

##### First Day

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

(H.P. 354) (L.D. 455) Bill "An Act To Restrict Use of Trails Designed for All-terrain Vehicles" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-291)**

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

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#### CONSENT CALENDAR

##### Second Day

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



(S.P. 655) (L.D. 1837) Bill "An Act To Harmonize State and Federal Laws on Do-not-call Lists"

(S.P. 686) (L.D. 1887) Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

(S.P. 58) (L.D. 176) Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY) (C. "A" S-114)

(S.P. 112) (L.D. 339) Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities" (C. "A" S-117)

(S.P. 241) (L.D. 792) Bill "An Act Concerning Postpartum Mental Health Education" (C. "A" S-111)

(S.P. 259) (L.D. 816) Bill "An Act To Improve the Historic Preservation Tax Credit" (C. "A" S-115)

(S.P. 328) (L.D. 1011) Bill "An Act To Enhance Child Support Collections in Maine" (EMERGENCY) (C. "A" S-112)

(S.P. 382) (L.D. 1194) Bill "An Act Concerning the Practice of a Deceased or Incapacitated Dentist" (C. "A" S-118)

(H.P. 268) (L.D. 334) Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites (EMERGENCY)

(H.P. 835) (L.D. 1142) Bill "An Act To Enhance the Newborn Hearing Program"

(H.P. 889) (L.D. 1261) Bill "An Act To Clarify Intermittent Leave under the Family Medical Leave Laws"

(H.P. 1297) (L.D. 1861) Bill "An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992"

(H.P. 133) (L.D. 151) Bill "An Act To Include Student Representation on the State Board of Education" (C. "A" H-271)

(H.P. 329) (L.D. 413) Bill "An Act To Amend Maine's Electric Utility Restructuring Laws" (C. "A" H-280)

(H.P. 646) (L.D. 847) Bill "An Act To Support the Commercial Groundfish Industry" (EMERGENCY) (C. "A" H-278)

(H.P. 677) (L.D. 892) Bill "An Act To Authorize Nonprofit Organizations To Conduct Tournament Games" (C. "A" H-267)

(H.P. 712) (L.D. 937) Bill "An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax" (C. "A" H-283)

(H.P. 907) (L.D. 1289) Bill "An Act To Provide Oversight for Crematoriums" (C. "A" H-276)

(H.P. 956) (L.D. 1347) Bill "An Act To Establish Alternative Fuel Incentive Grants To Stimulate the Production, Distribution and Use of Biofuels" (C. "A" H-268)

(H.P. 965) (L.D. 1373) Bill "An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts" (EMERGENCY) (C. "A" H-273)

(H.P. 973) (L.D. 1381) Resolve, To Ensure the Success of Regional Climate Change Efforts (C. "A" H-274)

(H.P. 1175) (L.D. 1666) Resolve, Directing the Public Utilities Commission To Amend its Rules To Increase the Amount of Energy Conservation Funds for School Administrative Units (C. "A" H-281)

(H.P. 1218) (L.D. 1735) Bill "An Act To Facilitate and Promote Regional Cooperation" (C. "A" H-265)

(H.P. 1238) (L.D. 1780) Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language (C. "A" H-275)

(H.P. 1284) (L.D. 1844) Bill "An Act Concerning Maine's Highway Safety Laws" (C. "A" H-270)

(H.P. 1302) (L.D. 1870) Bill "An Act To Provide Flexibility within the Monhegan Island Lobster Conservation Area To

Ensure the Viability of the Island Community" (EMERGENCY) (C. "A" H-279)

(H.P. 1314) (L.D. 1880) Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools (C. "A" H-284)

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.

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**BILLS IN THE SECOND READING**

**Senate**

Bill "An Act To Establish the Acquired Brain Injury Advisory Council" (S.P. 709) (L.D. 1909)

**Senate as Amended**

Bill "An Act To Expand the Scope of Practice of Certified Nursing Assistants To Include the Care of Feeding Tubes and Similar Devices" (S.P. 443) (L.D. 1280)

(C. "A" S-108)

Bill "An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics" (S.P. 620) (L.D. 1753)

(S. "A" S-113)

**House as Amended**

Bill "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission" (EMERGENCY) (H.P. 224) (L.D. 268)

(C. "A" H-220)

Bill "An Act To Enable the Dirigo Health Program To Be Self-administered" (H.P. 347) (L.D. 431)

(C. "A" H-285)

Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations" (H.P. 433) (L.D. 555)

(H. "A" H-290 to C. "A" H-179)

Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion" (H.P. 702) (L.D. 927)

(C. "A" H-277)

Bill "An Act To Enhance Availability of Emergency Telephone Services" (H.P. 975) (L.D. 1383)

(C. "A" H-282)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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 as Amended** and sent for concurrence.

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Bill "An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities" (H.P. 1112) (L.D. 1590)

(C. "A" H-262)

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

On motion of Representative PINGREE of North Haven, was **SET ASIDE**.

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

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

The following item was 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.

**HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (H-246) - Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act To Prohibit Recreational Bear Trapping"**

(H.P. 1144) (L.D. 1635)

**TABLED - May 17, 2007 (Till Later Today)** by Representative JACKSON of Allagash.

**PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.**

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and I know you had a preview yesterday, as Representative Faircloth started talking about this bill along with Angelina Jolie, an image which kept me awake most of the night, but I will concentrate of the bear trap aspect of the bill.

As you know, the bill was presented several weeks ago to a crowded room over at the Augusta Civic Center. Many people there were in support of the bill and many in opposition. I think there was one person who was neither for nor against and it was more likely that he was for. So, it was an emotional session, all day, and I stayed and asked a number of people and even talked to a number of the members of the Inland Fisheries and Wildlife Committee, a committee which I truly respect and often follow the lights of that committee and the work they do and I appreciate it. I noted in my conversations with the people in attendance that many of them were there looking at this bill as a hunting bill, that perhaps a bill like this was a precursor to introduction of legislation that would interfere with other outdoor traditions such as hunting and other types of trapping. All I can say is that that is certainly not the intention of this legislator. It is a very, very specific bill dealing with the elements, the tools of bear trapping.

I do want to say that it is not a hunting bill, nor is it a precursor to a second amendment type of bill that would interfere with our right to bear arms, nor does it deal with the right to arm bears, rather in a way of speaking, perhaps. It is not a shot on Maine's economy. Of the 3,000 bears that were hunted and killed, only 160 of those were trapped and half of those were under contract with people who came in from outside of the state, so it is not a big part of the Maine economy and the outdoor activity portion of what we do. It really is just an opportunity for us to eliminate a technology that is infrequently used and is no longer appropriate.

I would, just to reinforce my own personal outlook on things of this nature; I have followed the light of the good Representative from Allagash, last term on issues pertaining to the Allagash, Katahdin, and this session, supported those little emerald shiners, those dear little emerald shiners. Last session, also, our

committee put out the Moxie bill and I would suggest that this is what we need, this body, is a little Moxie and go ahead and defeat this current motion and go to eliminate bear trapping in this state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too, rise in opposition to the current motion and I would like to give you just a little bit of insight into this practice.

As the good Representative from Blue Hill pointed out, this is not a bill about hunting and it is not a bill about trying to get rid of hunting. We understand the importance of hunting to control this resource and to manage the wildlife resources of our state. What this bill would do is ban a certain kind, a certain practice: trapping. Let me just please explain to you what trapping does. You may know that there was a working group that recommended some changes to the bear hunting procedures, then got rid of the leg hold trap, the jaw trap that we have seen, so that is no longer used. This working group also reduced from 2 to 1, the number of traps that people could set.

What this bill is addressing is the practice that still exists and Maine is the only state in the nation that allows this kind of trapping. What it does, there are two kinds of traps: There is a cable snare, a leg hold trap, and what happens is the bear gets its leg stuck in this cable and is held in position, and the bear can be trapped in this position for up to 24 hours. You are only required to check that trap every 24 hours. So, imagine if you will, a bear coming through the woods, maybe a mother with cubs, gets her leg in this trap and is trapped for up to 24 hours until somebody comes along and shoots her.

There is another kind of trap that would also be banned; it is a live box trap. It is sort of like a Havahart: The bear wanders into it, is trapped until somebody can come along and point-blank shoot it. As the good Representative from Blue Hill pointed out, there are only 5 percent of the bears that are taken, or harvested is the term they used, that are killed, are killed in this method. What this would not do is ban two other types of bear hunting. The use of hounds and use of bait are still allowed, so there are still ample hunting opportunities for sportsmen and visitors and for people who are interested in the bear hunt.

If you recall, in 2004, there was a referendum that would have banned all three kinds of hunting: hounds, bait, and traps. It was defeated in a statewide referendum by 389,000 to 344,000. But in my part of the state, in southern Maine which does not exclude hunters and there are many people in my part of the state that do hunt and do support this ban on trapping, the referendum passed. In Cumberland County it passed 93,000 to 67,000, in York County it passed 58,000 to 49,000. There are many, many, many hunters, sportsmen, and non-hunters like myself, opposed to this method of killing bears.

I would just ask you to consider whether we want to be known as the only state in the nation that allows this practice of trapping this great, magnificent beast that is emblematic of the State of Maine, to be hunted and killed in way that does not provide sport, and as I pointed out, would still have plenty of hunting opportunities when it comes to the black bear. I would ask that you vote against the pending motion and help get rid of the practice that we do not need, that is outdated, that is inhumane, and cruel. This is not about hunting, we are not trying to get rid of hunting, we just want to make this a more fair chase. Thank you, Mr. Speaker.

Representative **BARSTOW** of Gorham **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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to say that for me personally and for most people that I know that are hunters, the killing of any animal is not something that most people look forward to. People that hunt usually, first off, like the meat, like to be out with their family possibly spending time, and if it's something that they are going to eat then there is no real good reason why it should not be hunting as opposed buying it in the grocery store.

A couple things that were mentioned and the good Representative from Blue Hill introduced the bill and I have no issue with that. We are on totally different sides of the issue, but that is what this place is about, for people to discuss things, what the people here have been elected by the people in the state, put forth these issues so by all means I welcome that. One of the things that the Representative said, that there is no economic impact to this, the licenses that were sold, there were 100 that were sold by nonresidents and those cost \$310 each, that is \$35,000 and out of that, \$150,000 was made by guides to bring these people around, so there is \$200,000 that is going to some people in the State of Maine, plus what ever multiplier effect there is for people going to stores and things like that. So, while it is not a huge number, there is some economic benefit. There are some people that are going lose that money.

For the Representative from South Portland, Representative Eberle, talking about the referendum, she brought out the numbers in York and Cumberland County and she is right, those are exactly the numbers. Not to be facetious or anything, but I would have no problem there banning bear trapping in those two counties, but the other 14 counties did vote in favor of the referendum. Now, the referendum had everything in it: bear trapping, bear baiting, and hounding. Some people make the claim that if it was only trapping, it would have passed and that may be so, I do not know, because what we had was a referendum to get rid of any type of bear hunting and it failed. It is simple as that, it failed, and it was only a couple of years ago. So, I am not in favor of saying now that us in this body, 151 people, are going to take that away, when there was 700,000 people that voted just a couple of years ago on it. If they want to ban bear trapping, have a referendum again. Until then, I am not in favor of doing that.

Personally, I think it is an attack on hunting and trapping overall. Many of the people that testified at the hearing had shirts on that said "Ban Trapping," it did not say "Ban Bear Trapping," so I think it is an attack on hunting overall. It is one of the things that came out, I think most of you got this yesterday, was a thing from Maine Friends of Animals and it has a cartoon that apparently came out of the *Portland Press*. I do not know if people know what I am referring to, but it has a big picture of, I guess, a caveman with a club, holding a steel jaw trap and on his back is Maine, obviously, referring to people in Maine must be cavemen because they allow trapping. Well, it has already been brought out that we do not allow the steel jaw traps that I think most people are obviously against. That has been outlawed already, but yet here is the cartoon being sent around, trying to confuse this issue, trying to cloud it. So, I think that is kind of the reaction, kind of the look at what would come if we pass this now—possibly next year it would be hounds and so on and so on. I do not see what the difference is. If you are so against trapping, why aren't you against trapping foxes? Why aren't you

against trapping raccoons? What aren't you against trapping lobster? I think that it is just the one step and then we are going to go down this road of getting rid of hunting, trapping, and I am certainly not in favor of that, because I do not see how different it is. I mean, no one wants to be cruel to an animal, but if you are out there and you trap something and you kill it, because you are going out to use it either by eating it or using various parts off of it, I do not see how that is any different than the farmer that goes up to the cow that he has been fattening for six months and puts a gun to its head and shoots it. I do not see how that is any different.

The Department feels that bear trapping is ethical because it creates a clean shot, unlike some other type of hunting methods where an animal can be wounded, can be lost, suffers for days. Also, at the same time, the Department feels that if a bear is caught in a trap and it is a mother or a smaller bear, it can be released without harming it and that has been done. To me, there is humanity in it. As I said earlier, anytime that you kill an animal there is sadness in it. Myself, personally I cannot but feel some remorse, but at the same time it is something that I like to do with my children and I do not waste the animal, I use it consumptively and I do not shoot anything that I do not want to eat.

The argument that we are the only state, that is a true statement, but I do not have any problem being known that we are the only state. Five of the other states in the nation have no trapping at all and that is kind of why I see this as going down that same road. Many of the other states hunted their bears to where they were almost extinct, and now they have them so there is no hunting so that they can build back up to population and man other states do not have a big population to begin with, so it would only make sense that Maine would be one of the few states that would allow trapping. The other states that do not allow it, like I said, from what I can understand, from what I can gather, is that they depleted their population, they quit allowing any type of hunting of bears, and whenever they allow hunting to resume, there really was not anyone who had an interest in trapping. From what I can understand, that is what the issue is.

I would like to see the Ought Not to Pass. The people that support this bill can certainly go out to referendum, which is their right. I think that they will get a better idea of what the state feels like. Certainly at the hearing we had, it was probably running 65-70 percent Ought Not to Pass, to 30-35 percent to Pass, so that is why and with the referendum just a couple of years old that said Ought Not to Pass, I am not in support of this at this time, or possibly never. I would just urge you to consider that I just do not understand the mentality of just the bear. I mean, if you are against trapping, you are against trapping. Like I said, that takes in all animals, it takes in lobster. I just think that there is more to this than what we are actually seeing today, so I urge the Ought Not to Pass.

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. I rise to join the good Representative from Blue Hill and the good Representative from South Portland, in opposition to the Majority Ought Not to Pass Report. I respect Representative Jackson and him coming from a hunting area and I appreciate that. I am not, absolutely not, opposed to hunting. This is not hunting, this is harvesting. This method of harvesting is unnecessary in the State of Maine or the other 49 states in this country today. We know that we had 2800 bears harvested, only 130 by this method. It is not necessary.

It is true; trapping does not pose a threat to the population of the bear, but that is not my reasoning. My reasoning for rising in support of the good Representative from Blue Hill and good Representative from South Portland, in opposition to this, is that it is just wrong. We do not need to do this. We have opportunity for fair chase and hunt for the bears in this state, as we do for many other animals, and we do use hunting very effectively to maintain herd populations around the state. This method is not necessary, it is barbaric, it is archaic, and it needs to go. Thank you very much.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to point out, in case anyone failed to miss it yesterday, there was an article in the *Press Herald* on May 7, 2007, which reported that in 2000, the *Maine Sportsman* did a poll of SAM's membership and the majority, by far, disapproved of hunting bears with hounds and traps. I think that is something to keep in mind, also.

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

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I would just like to support my colleague from the Allagash. This is a non-trapping bill. You can call it bear, you can call it what you want to. This is the beginning of a non-trapping bill. The only thing is, the only difference between the bear trapping and beaver trapping, or fox trapping, or coyote trapping, is the size of the trap and size of the animal. I personally support Fish and Wildlife. I support the Ought Not to Pass. Like I say, this is the beginning of legislation for ending trapping in the State of Maine.

I do not know how many of you have, but I have myself have accompanied trappers using cable traps on predator bear. The majority of these bears are unharmed. The most damage that I have ever seen to a bear would be a little bit of fur missing on that leg where the cable, the well of the trap, held that bear in place. I have walked up to a bear asleep while they are cabled. They were tranquilized and released because they were predator animals. Like I say, this bill is nothing but the beginning of the end of trapping in the State of Maine. Please support Fish and Wildlife, and please support your committee on the Ought Not to Pass bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to point out a couple of issues here. There are 23,000 bears in the State of Maine; we do not need this trapping for the control of that population. I would also like to point out that these methods of trapping would still be allowed for scientific collection, for removal of a nuisance animal, and for use for those purposes.

I would also like to point out that the revenue would not be interrupted because there would still be other bear hunting opportunities. This is just one method that we would like to do away with and it will not interrupt the revenue stream. Thank you.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, not to be controversial or anything like that, but I think it is a little bit disingenuous to say that we can trap bears for scientific purposes and nuisance animals and all of that, but for people who have been doing it for tradition cannot. I think if you are so

diametrically opposed to trapping, then you should be opposed to any kind of trapping.

Also, the thing that there is not going to be any financial revenue, there will be other sources. Well, take myself for instance. I do not hunt bear because I do not eat them, as I said earlier, I only hunt things that I actually eat. But if I did hunt bear, or someone that was like me did like to hunt bear, I have a pacemaker. I have a pacemaker on my right side and I am right-handed and I cannot fire a rifle anymore. So, what is my option if I want to hunt bear? My only option is to be able to trap them. People say that there is nothing good about trapping, trapping is not fair chase, and I disagree. I am not a trapper, but I have seen people that trap and there is a lot of planning, a lot of cunning that goes into actually being able to put traps in an area that an animal is going to go to. There is a lot of thought behind and that is why you see the low numbers of bear that are actually trapped, because it is probably harder than any other type of way.

As far as the barbaric part, I have already said that there is probably some barbarism to any type of killing of an animal. I think throwing a lobster in a pot of boiling water while it is alive is cruel, but I like to eat lobster and that is the way that you have to do it. I do not know what else to do, so there are a lot of things that are not 100 percent humane in this world. Let's not be hypocritical. When you go to McDonald's, there was a cow somewhere that was killed for that. Have you ever seen pigs on a farm that are slaughtered? There is nothing great about that, but we all like our bacon in the morning. Let's put this to bed. Support the 21-1 Ought Not to Pass Report and hopefully we will not debate this anymore.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was unsure about whether or not to address this issue for the record, but decided to, particularly where agriculture was brought up. These are similar issues of humane kill and it is relevant, I believe. I left here on Thursday, fully intending to support the majority Report and had my reasons for doing that, but over the weekend I contacted the two hunting and fishing clubs in my district, talked to the hunters that I live with, and also got some phone calls from some non-hunters. As a result of that, I am going to be in opposition to the pending motion and will be supporting the Minority Report.

I evaluate hunting methods on a continuum: it is either fair chase or it is a humane kill. I do not believe you get both. If you get fair chase then the animal is stressed because it is trying to get away, but at least it has a chance to get away. If it is a humane kill, ideally the animal never knows that it is coming, which is how it is in farming when it is done correctly. We dealt with that in legislation that you all got a kick out of the title earlier, but it was a legitimate concern on making sure that animals that we raise for livestock are killed in a humane way.

I consider bear baiting to be humane kill. We can argue sportsman-like all you want, but it is humane because the animal is eating, and ideally if it is done right, is oblivious to the fact that the hunter is there, and it is done. The problem with bear trapping is that it is neither fair chase nor humane kill. I do agree that it takes a great deal of talent. One of the gentlemen I spoke with does trap bear and he talked about what you need to know, to know where to put the trap, and I acknowledge that that has value.

I am also sensitive to the slippery slope argument. We here that often hear, but the important point is that each issue comes before us singularly for our consideration. It is only a slippery slope if we allow it to be. If there are bills in the future to prohibit

baiting or other kinds of hunting, I will be in opposition to those bills. I see this particularly as being unnecessary. One way that I see this different from other kinds of trapping of fur bearing animals is there is the option of baiting. I am not aware of anyone who baits foxes. I love my fox bomber jacket. I love my fake mink coat. I am all for eating meat and using the fur and wearing leather. I am completely comfortable with all of that, so long as there are certain tenants that are covered. I am going to continue to support hunting methods that do consider either fair chase or humane kill, and I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion Ought Not to Pass. I am on the Inland, Fisheries and Wildlife Committee, but also after the referendum, we did have a study and the study reported back to us. We took away the metal trap, as stated earlier. We took away the right to have two traps, so now they are down to one. We also implemented a higher fee on the bear trappers, so there will be more information for us on the study of bears themselves. Again, I ask you to follow my light and vote Ought Not to Pass on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had not actually planned to rise on this, but I am rising in opposition to the Majority Ought Not to Pass. I think this is a barbaric practice that has had its day. Maine is the only state that is left doing it. I have yet to have anybody tell me what the good is of the bear once you trap it. We do not wear furs very much anymore and I do not see anyone wearing bear furs around. I do not see many bear rugs in the houses anymore. As far as eating the meat, maybe a few people like it, but I would guess that the majority of people do not. So, I see it as a barbaric practice that should be stopped and I will vote to stop that. Thank you.

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. 77**

YEA - Annis, Ayotte, Beaudette, Beaulieu, Berry, Berube, Blanchard, Blanchette, Browne W, Bryant, Burns, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cray, Crockett, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gifford, Gould, Greeley, Hamper, Hanley S, Hogan, Jackson, Jacobsen, Joy, Lansley, Lewin, Lundeen, Marean, McFadden, McLeod, Miller, Millett, Mills, Moore, Muse, Nass, Patrick, Percy, Perry, Pieh, Pineau, Pinkham, Piotti, Plummer, Pratt, Richardson D, Richardson W, Rines, Robinson, Saviello, Simpson, Sirois, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Watson, Weaver, Wheeler.

NAY - Adams, Austin, Babbidge, Barstow, Beaudoin, Bliss, Boland, Brautigam, Cain, Canavan, Casavant, Cotta, Craven, Dill, Driscoll, Eaton, Eberle, Finley, Gerzofsky, Giles, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Kaenrath, Knight, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, McKane, Miramant, Norton, Pendleton, Peoples, Pilon, Pingree, Prescott, Priest, Rand, Rector, Rosen, Samson, Savage, Schatz, Silsby, Smith N, Strang Burgess, Treat, Trinward, Valentino, Wagner, Webster, Weddell, Woodbury, Mr. Speaker.

ABSENT - Campbell, Cressey, Dunn, Fisher, Hotham, Richardson E, Walcott, Walker.

Yes, 82; No, 60; Absent, 8; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for 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 as Amended by Committee Amendment "A" (H-269)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Wild Trout from Exotic Species"

(H.P. 799) (L.D. 1081)

Which was **TABLED** by Representative JACKSON of Allagash pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Several months ago, Trout Unlimited and Sportsman's Alliance of Maine and several other angler sportsman's groups, asked me to put in LD 1081, primarily because they are concerned about any threat to Maine's eastern brook trout, wild and native waters.

The State of Maine is now home to 97 percent of the eastern brook trout habitat that once covered 16 states, down the Appalachian range to Mountain Stream in Georgia, and those states to the south of us have lost most of their trout populations. Maine is losing some its trout populations as well. We have very few native waters in southern Maine left. But if you look at the state seal, you see the white pine and moose and the mariner and the farmer, and the fish swimming around the legs of that moose in the lake are eastern brook trout. They are emblematic to the State of Maine and are important to our economy as any species of wildlife in Maine.

I am concerned that the committee has chosen not to support the bill, despite the fact that the Department says that it will take great care not to introduce a hybrid fish called splake, a hybrid brook trout and lake trout, it is a great fish in the right place. The problem is the angling community has found those splake being introduced to waters from time to time, that can get to eastern brook trout waters and wild and native waters, and they prey on those young trout, they compete for habitat with those young trout, and degrade, essentially, an important resource and threaten an important resource.

The bill is simple: It just says that the state will prohibit the stocking of splake in any waters that drain into or out of wild trout waters. It directs the Commissioner of Inland, Fisheries and Wildlife to prepare a list of the waters that are suitable for splake stocking, and there are a number of waters that are suitable for splake stocking. Let's move on with that. It is a protective and conservation measure. It has a lot to do with the future our economy. We do not want, 100 years from now, to have our grandchildren and great grandchildren fishing for splake and bass and having very few trout waters left for them, because we did not take care of them well enough. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not consider myself the best fisherman in the state, but I consider myself a

fisherman that has probably fished on every lake in the state. I know one lake that I fish quite heavily and that is a lake in West Enfield, by the name of Cold Stream Pond that I own a cottage on. It is a beautiful 6.5 mile by 3 mile lake, natural spring fed, has beautiful lake trout, landlocked salmon, and lately, the Fish and Wildlife have been entering rainbow trout into it.

But seven years ago, somebody with a brainstorm decided to put splake into that beautiful lake. Well, we eventually got them all fished out, but in the meantime our bait fish were really wiped out and our small trout and our small salmon were eaten away. Now, our lake is coming back now that we have gotten rid of the splake, which there was just a few that they put in there, and most of them were caught through the ice. There are some lakes that can handle splake, but let's leave our good freshwater lakes alone and not enter that fish into the lakes that we really need to keep for the good outdoors.

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 inform you the most disappeared species from our symbol is the farmer and the mariner.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sit on Fish and Wildlife and I am on the Minority Report with Representative Eberle. It was after the hearing and I thought about what was presented to us that concerned me. You many hear today that in fact, splake do not reproduce, so why should we be worried if in fact they get out, because they cannot reproduce themselves. What hit home to me, and I think Representative Koffman, presented it very well when he said that we have a unique opportunity here, we have 90 percent or more of the native trout population in the United States—90 percent or more.

Splake are not part of that native population and the way this bill is written, it would prohibit Fish and Wildlife from stocking any lakes that in fact, or places that could escape, that the splake could escape and get into those rivers. The problem with splake is that it is a tremendous feeder. As the good Representative Blanchard pointed out, it devastated Cold Stream Pond, perhaps, but they are habitat destroyers. What really hit me is that one of the lakes that we stocked, the splake got out or they were concerned and it got into the Rapid River. Now the Rapid River, as I understand it, is one of these heritage trout streams and we were fortunate because we have not found splake there. However, what they pointed out in Wyman Lake, in fact, they did stock it with splake and the splake got out, and in fact, is in the Kennebec River now and they are trying to figure out how in fact to get it out of there. Now, the difference there in the Kennebec is that it is not a wild trout population; it is stocked with brown trout and rainbow trout. But the fact is it could potentially destroy that habitat that many of you have heard, in many of the river debates, how important that is to our income and to our economy.

So today, I do not believe I think we do need to prohibit where these splake are introduced. Mr. Speaker, I will be voting in the negative when this comes forward. Thank you, Mr. Speaker.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For my good friend, Representative Saviello from Wilton, I will be voting in the positive. But seriously, this is a bill that I really do not understand what the problem is, what we are trying to get at. Last session,

the Committee passed Native Brook Trout Waters, I think it is 180 or so in the state, that the Department cannot stock any fish in it, they cannot do anything in those lakes because they are native brook trout waters. The Department can add waters to the list, but they can never take any off unless they come back to the Committee. So, those areas of the state that were supposed to be 90 percent of the nation are protected. Now there are other areas of the state that do not have that native brook trout population in them, and people in those areas want to be able to fish, so what the Department has done in a limited number, is introduce splake.

The thing about splake is it is a cross between a rainbow trout and a lake trout, so it is in the trout species. It is almost identical, very hard to tell the difference, and people that just like to fish like to catch them. It is really a good substitute for the areas that do not have cold brook trout species in them. Many places that the Department has introduced wild brook trout in the past and the fisheries never took hold, the Department has introduced splake in and it has created a good fishery. It is not a wild brook trout fishery, but it is good fishery where the public has been happy with it. Many of the times, places where wild brook trout do not take hold have perch and white fish and other things like that, and the splake do compete with them and do eat those other species that wild brook trout do not seem to be able to withstand. So, the areas are not suitable for wild brook trout; splake is a perfect fish to go into.

Now, the lakes and rivers and ponds that are protected, there is always a danger that somehow, somehow one of these splake can come down out of a lake, go up a river, go up a brook, and get into one of these rivers, or one of these ponds or lakes. But if one does so that it is not a huge issue because everything that we know here in Maine, everything from all of these biologists, says that splake cannot reproduce. If it does get there, it might take some of the forage or whatever, but if it is only a select few then it is not going to create any big impact and in a four to five year life cycle, it is going to die and take care of its own problem.

Now, areas that Department was going to go in and put in a great number of splake, that would be different and that is possibly what Representative Blanchard is talking about. I am not sure right now, but if it is a wild brook trout protected area; the Department cannot do that anyway. They are very conscientious of not doing that because they know that many people support that. In response to that, the Department has cut down the areas that they are going to introduce splake this year. They have cut it from about 50 down to 30 some, so they do keep a watchful eye on it and they make sure. Like I said, if one or a couple splake did get in to one of those areas, I do not think it is going to be the end of the world because it cannot reproduce and it will die eventually. Who is to say too that we would not have someone that would catch one and illegally introduce it into one of those lakes? That would not be in the Department's fault, but yet they might be blamed for it. There is a great many people out there that want to see the splake program continue, myself being one of them.

I have to tell you truthfully, the argument about the native brook trout waters last session; I was the only one against it in committee. Of those 180 waters, I think half of them are in Aroostook County and I do not see a great many people coming in and paying huge money to come in and fish for them. Now, there are a lot of people that like to fish for them, myself included, but I do not see a great bunch of people in the summer. We have a lot of people coming in the fall and winter for ski-dooing, but the summer is really a hard time in Aroostook County, so I do not understand that argument that people are going to just flock to Maine for these fish, because we have had them forever in



Aroostook County and there are not a great many people coming to fish for them, and that ones that are coming are not paying huge money for them.

To tell the truth, we have muskie in the Saint John River Basin and that is a fish I would like to see eliminated, but there are more people coming and paying good money to fish for them because they grow so huge. That just goes to show you that here is a native brook trout: great fish, great eating, love to catch it; people are not coming for it. Here is this old muskie that I wish we could dynamite the whole river and get rid of them, but people will pay to come fish that, so I just do not agree with the argument that we are going to have a big flock. I do want to protect them, do not get me wrong, let's protect them, but we are not protecting them to make Maine an economic boom for fishing, I do not believe that that is ever going to happen.

The splake program has not affected any of these waters; the Department keeps a really watchful eye on it. There are people in the state that want to just fish, they just want to fish and splake is a good alternative. Myself, I just want to catch trout. I do not care if you want to call it blueback, arctic charr, native brook trout, I do not care. I just want to fish for trout and splake is a trout. I am happy with it and many other people are too. There is no problem, the Department is watchful of it, so please vote Ought Not to Pass on this.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to urge you to vote against the pending motion. This, again, gets to the ability that we have at this point to prevent the further degradation of Maine's wild trout and that population. We are in a position now where we can protect this resource, by preventing this fish from being stocked in waters, or even in waters that it could potentially migrate to where there are wild trout.

This fish, the splake, if it gets into waters where there are trout, it is fiercely competitive for feed, and it can really do a lot of damage to a population of wild trout. There are completely appropriate waters where splake is stocked and where that kind of fishing can be provided, but we have to do everything that we can to protect the resources, to protect Maine's economic viability, and to protect the things that are emblematic of why people come to Maine. The wild trout is one of them and it can be threatened in great capacity by the interaction of splake into waters where it is living. This bill would simply prevent splake from being stocked where it could migrate to trout waters, and it would list for sure, the lakes that are appropriate for splake stocking, to protect this resource and protect the native trout.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A splake is a hatchery fish. It is developed as a cross between the brook trout and the lake trout, and it was developed as a "put and take" fish. That is a term that the Inland Fisheries and Wildlife departments across the country use, to indicate a fish they dump into a pond with full expectation that it be caught and taken out immediately, or within a season or so.

Splake has been very popular, very popular with people like our distinguished Chairman of the Inland Fisheries and Wildlife Department, who just wants to catch fish. In the ponds where it is stocked, it is a hardy fish. It will live a normal life span; take over as best it can. When it gets into a wild brook trout fishery, it is deadly. It eats brook trout. It competes with brook trout for the same forage fish. It competes with brook trout for the same habitat, and being a hatchery raised fish and a specifically

developed strain, it is actually stronger in many ways than the brook trout.

Now, the good Chairman has told us that the Inland Fisheries and Wildlife Department does not believe that splake can reproduce. In fact, the Inland Fisheries and Wildlife Department testified that they do not have any evidence that the splake can reproduce. Trout Unlimited has conducted studies, and other groups across the country have conducted studies and tend to disagree with that. There is evidence that splake, in the proper conditions, can in fact reproduce and cross produce with other species of trout. It is time that the Inland Fisheries and Wildlife Department put its money where its mouth is. All this bill is asking is to ensure that splake are not stocked in wild brook trout waters, or in waters where they can reach wild brook trout waters. It is a very simple measure.

For the Department to stand back and say, "Don't worry, we're going to take our Wal-Mart fish and put them only in ponds where the good Chairman can fish and not where wild brook trout are", I'm afraid is not enough. It is not consistent with their activities up until now. They need to be told that the wild brook trout, while they pay it lip service, is a Maine heritage fish. We are in fact the keepers, the custodians of the only wild brook trout waters left in the United States for crying out loud. It is a very cavalier thing to say, "Oh don't worry, trust us, we'll take this hatchery mixed breed fish and put it in waters, but they won't bother the brook trout, don't worry about it. We do not need to be told to do that. We'll take care of our brook trout." Well I am sorry. Their history has demonstrated that they do need to be told, and it is a very simple thing for this body to tell them that we want to protect our wild brook trout waters. We want to use splake where they are supposed to be used, use them for the purpose they are raised, use them to allow people who do not know the difference between a splake and a brook trout, to catch them and take them home. That is fine, that is what they are for, but we need to protect the resources that this state is famous for, or we will wipe them out and we will wipe them out in our generation.

This is not something that is going to happen a hundred years down the road; this is going to happen in a few seasons. If the splake only lasts four or five years, as you would be led to believe, while I do not agree with that, in four or five years the splake can decimate the forage and a wild brook trout. It can decimate the newly hatched wild brook trout before they even have a chance to establish themselves, and it can decimate the habitat where the next generation of wild brook trout will try to spawn. We need to stop this and we need to stop this now and I do not see the Department wanting to do it itself, so it is up to us to do it and the way we can do it is to vote red on this measure. Thank you, Mr. Speaker.

Representative **BLANCHARD** of Old Town **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 Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion not only as a fisherman, but as a Mainer. I take this seriously, I take this personally. This is a resource that we have, as the good Representative from Bath has said, that we are the custodians of. Anything that we can do to protect this resource, it is important to me and I think as a body that we should do it.

I had the opportunity for a little while to live in the State of Wyoming and all of fishermen, fishermen in this body and fishermen all over the world, know that Jackson, Wyoming and the Snake River is one of the premier fishing places in all of the nation. The cutthroat trout fishery there is unbelievable, and I fished in it as much as I could and I met a lot of fishermen there who said, "Where are you from?" I said, "Well, I am from the great State of Maine." They said to me, "Maine: That is one of the last places that you can catch a real wild native brook trout." I said, "Yes, for now. You had better get there because we are losing them, we are losing habitat." It is well known, it is well known all over the nation that we have something that nobody else has. We hear all of the time, "Use your niche," the Brookings Report—this is a niche people. This is economic development and conservation and everything that we as a body should be fired up about—this is it. I certainly, myself personally, have a problem with spending taxpayer dollars, our dollars, to tell the Department of Inland Fisheries and Wildlife to put a hybrid fish in a place where it is going to endanger native brook trout. I take that personally. I am getting excited, I apologize. I do not get up speak too often but this is important to me, this is important to the State of Maine, it is important to the Sportsman's Alliance of Maine, Trout Unlimited. There are a lot of people here that realize we have an opportunity to do the right thing. I encourage you to do that.

One more thing: When you buy a fishing license, like when you buy a hunting license, you take on the responsibility to know what you catch or what you shoot. If you cannot tell the difference between a splake and a brook trout, or do not take the time or the opportunity to do that, then you should not be buying a fishing license in the State of Maine. I appreciate your time. Thank you, Mr. Speaker. I urge you to please vote red.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Ought Not to Pass and I also take offense to anyone that would insinuate that the hardworking Committee of Inland, Fisheries and Wildlife is cavalier in their decisions. We have researched this, we have the best interests of the state in mind, and I also request if it is proper that the Clerk read the Report, please.

Representative **BRYANT** of Windham **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, excitement and rhetoric. I cannot help but say this, and while I enjoy him immensely, I will right now bet \$100 with Representative Pratt that he cannot tell the difference between a splake and a regular trout, and do not look at the internet or anything until we get a chance to settle this, because most people that testified said it was very, very hard for them to tell.

The other thing that I have to tell you right now is do not get caught up in this "we have to protect." We did protect, we protected them last session. These 180 native brook trout waters are already protected. It is illegal to introduce any other species of fish in there, and under this proposal, basically what we are going to do is shut down the entire splake program, because you can trace a trail from every pond, every brook, into waters that have native brook trout. No matter how many miles you go, you can say "Well, that splake could get there," so that is basically

going to stop all splake stocking in the State of Maine. I do not see what the big issue is. Those areas are protected, you cannot stock in them. If one splake happens to travel a bunch of miles into one of these waters, it is not going to harm them. The Department cannot put any splake directly into these waters, they are mindful of not doing it too close, and if you look at the list of lakes that they are putting splake in, they are a good distance away. Now, like I said, if one happens to get there, it cannot reproduce and it is going to die off, maybe it is not five years, maybe it is a couple of years, but one fish is not going to ruin a hatchery if it cannot reproduce, or a couple of fish if it cannot reproduce.

Again, I urge you to understand the fact that these waters are already protected; the Department is doing a good job as it is. There may have been a couple that did by some act, swim long distances, and get into an area that it was not supposed to, but it is really not going to hurt that fishery. I think if we do what this bill says, it is basically going to shut the whole program down because somebody can trace a line to native brook trout water somewhere in the state, and say "Well, yes it could get there." I am not in support of that. I do not know what people in Wyoming say, but as I said earlier, we have half of the native brook trout waters in Aroostook County. Representative Lundeen serves on that committee too and she is from Aroostook County and Aroostook County is a depressed area. There is no one coming from Wyoming, there is not one coming from anywhere paying big money. How many of you people have been to the Allagash? Well, there you go, we have Representative Moore—bring your money Representative Moore, because we want it.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you Mr. Speaker, Men and Women of the House. I apologize for rising a second time and I will not take long, but I have to respond.

This is not going to shut down the splake-stocking program. That is nonsense. We have almost 8,000 lakes and ponds in Maine. There are lots of places to put splake, lots of places where kids can go catch a fish and they do not care what kind of fish it is, they just catch it. That is the reason for the splake program and it is a great program for that. We are not putting an end to that.

I do want you to think about one thing though. You know there is a lot of rumor around here, particularly among nonsportsmen, that SAM, the Sportsman's Alliance of Maine, somehow has an in with IF&W, controls what the Department does. A lot of that is based on the fact that the Department is run by the money that is raised from hunting and fishing licenses, but I need to point out that this bill is a great example of the untruth to that. SAM and the Fishing Initiative Committee, SAM's FIC Committee, worked with Trout Unlimited to put this bill together. They did not do it because they think the Department is doing great things with splake, they did it because the Department's not being careful with splake, and if SAM can't just pick up the phone and call Inland Fisheries and say "Hey, how about taking care of your splake program", and be satisfied that it's done, which is the way the rumor seems to float around that SAM can control things, then why would they need to bring the bill? They need to bring the bill because they see that a precious resource in our State is being threatened by a program that has gotten a little out of control by some people and some biologists who do not care to watch carefully where they are going.

There have been a lot of accidental splake stockings, particularly by aircraft: Fly over a lake on the way to another one; accidentally pull the handle, and the splake dump out. Those are



the kinds of things that SAM is concerned about, those are the kinds of things that they want the Inland Fisheries Department to take more careful note of, and that is the reason behind this bill. If in fact it was not a problem, I do not think Sportsman's Alliance of Maine, I do not think Trout Unlimited, I do not think the Dud Dean Angling Society would bother to bring and tell the Department to do something it is already doing. We have a good opportunity here to take a step and point them in the right direction, and I encourage you to do so by voting red. Thank you very much, Mr. Speaker.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Like the previous five speakers, I have nothing new to add to this debate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The three things that Maine has always been famous for, going back as far as you want go, are: lobsters, moose, and native trout. Now the assertion has been made that one trout might get out and do a little bit of damage, but we do not know if it is going to be one trout, ten trout, or a thousand trout, so I would be in opposition to this Majority Ought Not to Pass. I think we need to protect our native species, we are one of the last states in the country to have it, and I think it would be a shame to lose that. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to bring up one point that I had failed to mention. The Department has a Coldwater Working Group that SAM does serve on and various other stakeholders. In 2006, they brought this up, brought it back to Coldwater Working Group because they had heard some concerns about the splake program. After discussing it fairly thoroughly, the Committee voted 8-1 in favor of what the Department is doing. Two members that were not present sent letters in support, and the one descending vote was the Sportsman's Alliance of Maine, but it would have been a 10-1 Report, the Department doing what was instructed of them. I do not see any reason to change it. I find it funny that on some issues like the bear bill, the Committee is accused of being with SAM, and some issues like this the Committee is accused of not supporting SAM. The Committee does what the Committee thinks is right, and as far as I am concerned, I think we were right on this, so I would ask you to support the Ought Not to Pass.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a Maine Guide for ten years, and yes, the brook trout is a wonderful fish. But when people came to hire me, they just wanted to catch fish, and probably landlocked salmon was the biggest thing that they wanted to catch, but they did not care. They just wanted fish. They loved the beauty of Maine, which I am sold on completely, and I think that is probably what they liked most: They wanted to go out in a remote area somewhere and think they were going to come back. They probably hired the wrong guide then. Thank you very much.

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. 78**

YEA - Annis, Ayotte, Barstow, Beaulieu, Berube, Brautigam, Browne W, Bryant, Burns, Carter, Cebra, Chase, Cleary, Crosthwaite, Curtis, Edgecomb, Finch, Fischer, Fitts, Flood, Gifford, Giles, Gould, Greeley, Hamper, Jackson, Jacobsen, Joy, Lansley, Lewin, Lundeen, Marean, Marley, McDonough, McLeod, Millett, Mills, Nass, Norton, Patrick, Perry, Pingree, Piotti, Plummer, Rector, Richardson D, Robinson, Rosen, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Mr. Speaker.

NAY - Adams, Austin, Babbidge, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Cain, Campbell, Canavan, Casavant, Clark, Connor, Conover, Cotta, Craven, Cray, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Emery, Faircloth, Farrington, Finley, Fletcher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Kaenrath, Knight, Koffman, MacDonald, Makas, Mazurek, McFadden, McKane, Miller, Miramant, Moore, Muse, Pendleton, Peoples, Percy, Pieh, Pilon, Pinkham, Pratt, Prescott, Priest, Rand, Rines, Samson, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Woodbury.

ABSENT - Cressey, Fisher, Hotham, Pineau, Richardson E, Richardson W, Simpson, Walcott.

Yes, 59; No, 83; Absent, 8; Vacant, 1; Excused, 0.

59 having voted in the affirmative and 83 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative EBERLE of South Portland, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-269)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 24, 2007.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-255)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-256)** - Committee on **MARINE RESOURCES** on Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"

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

TABLED - May 17, 2007 (Till Later Today) by Representative PERCY of Phippsburg.

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

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. LD 509 represents two years of work by the Lobster Advisory Council, the Department of Marine Resources, and the Lobster Zone Councils.

Back in 1995, members of the fishing industry and DMR created major changes in how Maine regulates their lobster industry. LD 509 is an update of that legislation, and it was brought about because in 2006, the most recent stock assessment from the Atlantic States Marine Fisheries for the lobster industry, concluded that the Gulf of Maine lobster resources healthy, but there were two caveats: One being that we must improve our data on the resource in order to properly manage the fishery, and number two that there is too much effort in the industry.

LD 509 does the following three things: It makes 17 years of age the youngest age at which one can obtain a Class I, II, or III commercial lobster and crab license, and number two, it gives the zones another policy authority that would allow the zone to consider whether or not to create a separate waiting list for young people's entry into the zone. It also, number three, changes the method of calculation of zone's entry to exit ratio from lobster licenses not renewed, to trap tags retired in the previous year.

The Committee Amendment, it was brought to our attention that this bill could possibly hurt the viability of the fishing industry on the islands, so the Amendment is the Majority Report with a provision that people living year round on an island that is not connected to the mainland, is not required to go on the waiting list proposed in the bill for people under the age of 18. Thank you very much, and I urge your support in passing the majority Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is not often that people rise to oppose a Majority Report, a Committee Report that is 11-1. I do that, not reluctantly, but confidently, because there are several flaws with this bill as it is written. I was hoping to receive a letter back from the Attorney General's Office to outline some of the legal questions.

The SPEAKER: Chair will interrupt debate and ask the Representative to please defer. It is not within our rules to allow discussion of other branches of government in our debate. If we want to debate this, we need to debate it on the merits of its bill within the jurisdictions that we now have. The Representative may proceed.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

Representative **EMERY**: Thank you Mr. Speaker, for that clarification. With all due respect to the Committee Chair, the Representative from Phippsburg, I think conceptually this is probably a good bill. However, from a practical standpoint it is going to be creating a lot of damage for our traditional lobster fishery along the coast of Maine, particularly for the future of the fishery. What this bill is going to do is put students that are holding student license holders on a waiting list, a waiting list that would allow them once a certain number trap tags are retired, to enter the fishery.

Now, as the current law exists, fishermen that are sitting on a waiting list wait for a license to retire, which in different zones there are different ratios. In my particular zone, Zone A, three licenses need to retire before a new license can be issued to a person on the waiting list. Well now, student license holders who are not subject to the waiting list are now going to be on the waiting list. So, not only do you have people that have completed the apprenticeship program sitting on the waiting list to enter the fishery, but now you will have student license holders, the future of the lobster fishery if you will. These students, a lot of them are from fishing families that have been a part of the lobster industry

for generations, going into 150 years of lobster fishing. So now for the first time, this will basically disconnect that family tradition. It will now effectively put students in that same posture, where they will wait for entries into a fishery that perhaps they could wait until they are a citizen, or perhaps even not gain a license because there are other folks on a waiting list to receive a license.

There are a lot of components to this bill. The core point here is that they are trying to control fishing effort in the lobster fishery. There are rules and regulations on the books that are now working. In Zone D, they are now getting down to a level of effort that is really balancing the fishery in that area, and that is why I have been asked by folks from my zone, to put the brakes on this and let what is on the books work. Let the rules that they have been working on for the last several years to manage the fishery work and let's see their results. This is just another step to further control a fishing effort and it is really not necessary at this time.

Again, there are some other issues with this bill. I think the legal issues are on that I would like to speak on at a later time, but at this point I cannot support this bill as written. It will have tremendous impact on our fishery in the future, and really, if we are talking about a reduction in fishing effort, this is not the way to go. We need to look at the men and women that are in this fishery now and talk seriously about what we need to do as fishermen in this fishery, to make reduction in our fishing effort, not put this burden on people that are not even participating in the fishery in the future. I would ask you not to support the current motion on the floor, and Mr. Speaker, I will ask for a roll call. Thank you.

Representative **EMERY** of Cutler **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

#### ROLL CALL NO. 79

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Browne W, Bryant, Cain, Canavan, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Joy, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Ayotte, Burns, Campbell, Cebra, Chase, Cleary, Cotta, Cray, Curtis, Edgecomb, Emery, Fitts, Fletcher, Gifford, Hanley S, Hill, Jackson, Jacobsen, Lansley, Lewin, McFadden, McLeod, Moore, Pinkham, Plummer, Saviello, Thibodeau, Thomas, Tibbetts, Vaughan.

ABSENT - Berube, Brautigam, Cressey, Fisher, Hamper, Hotham, Pineau, Richardson E, Simpson, Walcott.

Yes, 109; No, 31; Absent, 10; Vacant, 1; Excused, 0.

109 having voted in the affirmative and 31 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-255)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 24, 2007.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **LABOR** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 458) (L.D. 591)

TABLED - May 22, 2007 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative PATRICK of Rumford **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 Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I normally would not get up and debate a 10-2 Report, but this is my bill. This came out of committee last session, and it has come out of Legislatures, I think 7-6 party lines. I think this time it happens to be a 10-2 Ought Not to Pass Report. I am going to get up here and basically tell you a little bit about it. In simplest form, a bill that is basically saying that all construction workers ought to be trained to a minimum of a 10 hour OSHA standard. In my industry, all of us mechanical, or maintenance type workers, are trained to a minimum 10 hour standard, and a lot of us are 30 hour standard trained.

One of the people that really gave the best speech in opposition to this bill, was a gentleman and an owner of a business called Grondin, from Gorham. He has 160 workers in his employ and one of things I enjoyed listening to him, when he was saying that this bill is not needed, it is not needed whatsoever, it is overkill, it does not necessarily train to specific things. But after he gave his testimony, several questions were asked him: "Mr. Grondin, do any of your employees have OSHA 10 Training?" "Oh, yes. Everyone is trained at least OSHA 10 training, and a lot of them are OSHA 30 trained." Here is a guy who is a contractor saying that this is a bad bill, it is not going to be cost effective, it is going to be burdensome, and we cannot do it. He also said that training saves lives and controls cost. As a fact of fact, the Department of Transportation, I think, has said since they have OSHA trained their people, they now have saved 14 percent on their workers comp cost.

Now, why would I want this and why does anyone want this OSHA 10 training? Well, our neighbors, Rhode Island, Connecticut, and Massachusetts have already passed this same legislation. New Hampshire and Vermont have it in their Legislatures today. It must not have very much value if all the states in New England are passing this OSHA 10 training. I have had the training itself and in some respects maybe it is not the best training in the world, but what it has done for me and my co-workers is it has enlightened me to the specific tasks unavailable in my tasks and also the general stuff, which I probably would not have gotten if I did not have the training.

I am not going to go on and on and on because the way the report is written; I do not stand much of a chance this time. But I wanted to have the opportunity to stand up here and say that anytime any employers can train their employees, there is going to be big savings down the road. This bill allows the Department of Labor to actually go the employer's place of business and train there. It will train their trainers, if they want to go that way. Probably I would estimate at least 60, if not 70 percent, of construction workers are already trained to OSHA 10 standards. In fact, a lot of industry today will not let a contractor on a big project, come to their employ unless they are OSHA 10 trained. So, I am actually quibbling about the other 30 percent of the contractors that do not have that training. Mr. Grondin did point out to the fact that although all of his employees are trained, the ones he is worried about are some of the subcontractors that he may hire, are not OSHA 10 trained.

So, with that, if you feel a liking to, I would please ask you to vote against this Ought Not to Pass and follow my light, and turn around and Ought to Pass. Thank you, Mr. Speaker.

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

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

#### SENATE PAPERS

Bill "An Act To Extend the Time Allowed for Outcome-based Forestry" (EMERGENCY)

(S.P. 713) (L.D. 1914)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Protect Fair Share Workers from Termination"

(S.P. 714) (L.D. 1915)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

**REFERRED** to the Committee on **LABOR** in concurrence.

#### REPORTS OF COMMITTEE

##### Change of Committee

Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Consumers in the Home Appraisal Process"

(S.P. 66) (L.D. 183)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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. 315) (L.D. 998) Bill "An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

(S.P. 332) (L.D. 1015) Bill "An Act To Amend the Unemployment Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)**

(S.P. 367) (L.D. 1115) Bill "An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**

(S.P. 370) (L.D. 1118) Bill "An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services and Mental Health Managed Care" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 447) (L.D. 1284) Bill "An Act To Create the Energy Independence Act" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

(S.P. 456) (L.D. 1308) Bill "An Act To Ensure Consistency in Patient Care in Nursing Homes" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)**

(S.P. 652) (L.D. 1834) Bill "An Act To Authorize the Use of Timber Harvesting Revenues for Land Management" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

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

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

(H.P. 414) (L.D. 536) Bill "An Act To Promote Efficiency in the Use of the Communications Equipment Fund" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)**

(H.P. 861) (L.D. 1180) Bill "An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)**

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

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)** on Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities" (H.P. 1178) (L.D. 1669)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec

RAYE of Washington

Representatives:

PERRY of Calais  
MILLER of Somerville  
BEAUDOIN of Biddeford  
CONNOR of Kennebunk  
WALKER of Lincolnville  
LEWIN of Eliot  
FINLEY of Skowhegan

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

Signed:

Representatives:

WALCOTT of Lewiston  
GROSE of Woolwich  
CAMPBELL of Newfield

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-292)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-292)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 24, 2007.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Track and Record All Fishing-related Rules Changes" (H.P. 590) (L.D. 772)

Signed:

Senators:

BRYANT of Oxford  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

JACKSON of Allagash  
RICHARDSON of Carmel  
FINCH of Fairfield  
McLEOD of Lee  
WHEELER of Kittery  
LUNDEEN of Mars Hill  
BRYANT of Windham

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

Signed:

Representatives:

SAVIELLO of Wilton  
EBERLE of South Portland

**READ.**

On motion of Representative PINGREE of North Haven, 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** with the exception of matters being held.

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On motion of Representative CLARK of Millinocket, the House adjourned at 11:34 p.m., until 9:00 a.m., Thursday, May 24, 2007 in honor and lasting tribute to Duane Everett Coburn, of Brownville.