

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
SECOND REGULAR SESSION  
19th Legislative Day  
Thursday, February 28, 2008

The Speaker resumed the Chair.

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

Prayer by Father Daniel Baillargeon, Sacred Heart Parish, Waterville.

Pledge of Allegiance.

The Journal of Tuesday, February 26, 2008 was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act"

(H.P. 1591) (L.D. 2231)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 26, 2008.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative PERRY of Calais, the House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 451)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**  
**COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

February 20, 2008

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 bill out "Ought Not to Pass":

L.D. 2195      Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

We have also notified the sponsor and cosponsors 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.**

The Following Communication: (H.C. 452)

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

February 20, 2008

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. 2078      Resolve, To Determine Methods of Securing a Trained Laboratory Workforce for Maine  
L.D. 2120      An Act To Require That Sellers of Scrap Metal Provide Identification

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. 453)

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

February 22, 2008

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House  
123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2055      An Act To Improve the Elections Process under the Maine Labor Relations Board Laws  
L.D. 2127      An Act To Increase the Per Diem for Members of the Workers' Compensation Board

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

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 454)

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

February 20, 2008

Honorable Beth Edmonds, President of the Senate  
Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1983 An Act To Protect Public Safety, Provide for the Prudent Use of Landfill Capacity and Save Taxpayers Money

L.D. 2018 An Act To Require the Accurate Designation of Floodplain Areas

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

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 455)

**STATE OF MAINE**

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

February 20, 2008

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 bill out "Ought Not to Pass":

L.D. 2020 An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws

We have also notified the sponsor and cosponsors 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. 456)

**STATE OF MAINE**

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

February 20, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 961 An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities

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

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

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 457)

**STATE OF MAINE**

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

February 20, 2008

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 bill out "Ought Not to Pass":

L.D. 1935 An Act To Promote Competition in Maine's Electric Industry

We have also notified the sponsor and cosponsors 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. 462)

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE**

**AUGUSTA, MAINE 04333-0002**

February 27, 2008

Hon. Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 30-A, §2181, I am pleased to appoint Representative Teresea M. Hayes of Buckfield as co-chair of the Intergovernmental Advisory Commission.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,  
S/Glenn Cummings  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 463)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

February 27, 2008

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5 §19202, I am pleased to appoint Representative Michael E. Carey of Lewiston to the Maine HIV Advisory Committee.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 458)

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

February 12, 2008

The Honorable Beth Edmonds

President of the Senate

The Honorable Glenn Cummings

Speaker of the House of Representatives

123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Office of the State Treasurer under the State Government Evaluation Act. In its review, the Committee found that the Office is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider

Chair

S/Representative Christopher Barstow

Chair

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

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The Following Communication: (H.C. 459)

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

February 13, 2008

The Honorable Beth Edmonds

President of the Senate

The Honorable Glenn Cummings

Speaker of the House of Representatives

123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee

on State and Local Government from the review and evaluation of the State Planning Office under the State Government Evaluation Act. In its review, the Committee found that the Office is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider

Chair

S/Representative Christopher Barstow

Chair

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

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The Following Communication: (H.C. 460)

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

February 14, 2008

The Honorable Beth Edmonds

President of the Senate

The Honorable Glenn Cummings

Speaker of the House of Representatives

123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine Municipal Bond Bank under the State Government Evaluation Act. In its review, the Committee found that the Bank is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider

Chair

S/Representative Christopher Barstow

Chair

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

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The Following Communication: (H.C. 461)

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

February 26, 2008

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Public Utilities Commission. The committee found that the Public Utilities Commission is acting within its statutory authority.

Sincerely,

S/Philip L. Bartlett, II

Senate Chair

S/Lawrence Bliss

House Chair

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

(H.P. 1598) (L.D. 2237)

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.

Bill "An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance"

(H.P. 1597) (L.D. 2236)

Sponsored by Representative HANLEY of Gardiner.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: BERRY of Bowdoinham, BROWNE of Vassalboro, CLARK of Millinocket, COTTA of China, CROCKETT of Augusta, HASKELL of Portland, McLEOD of Lee, PLUMMER of Windham.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions"

(H.P. 1596) (L.D. 2235)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator MARTIN of Aroostook.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative GERZOFKY for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

(H.P. 1600) (L.D. 2240)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

**ORDERS**

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1594)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to make improvements to state-municipal revenue sharing distribution.

**READ** and **PASSED**.

Sent for concurrence.

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1595)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to amend the municipal reimbursement formula under the Maine Tree Growth Tax Law.

**READ** and **PASSED**.

Sent for concurrence.

On motion of Representative JACKSON of Allagash, the following Joint Order: (H.P. 1601)

**ORDERED**, the Senate concurring, that Bill, "An Act To Restore Diadromous Fish in the St. Croix River," S.P. 751, L.D. 1957, and all its accompanying papers, be recalled from the Joint Standing Committee on Marine Resources to the House.

**READ**.

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. This bill was referred to the Marine Resource Committee on December 18. The first public hearing was scheduled on February 13 and as many of you remember, that was the day of the blizzard and we were given the day off, and it was rescheduled. This public hearing is scheduled to take place this coming Monday at 10 o'clock in the morning in the Civic Center. It is a very important bill.

The reason this bill is in front of the Marine Resources Committee, if you will look in your *Legislator's Handbook*, on page 18, it describes the responsibilities of the Marine Resources Committee. Part of those responsibilities includes management of fisheries, and it specifically designates anadromous fish. For those of you who have not had the pleasure of being on our committee, anadromous, catadromous, diadromous fish, are all fish that go back and forth between the salt water and the fresh water.

If you look at the definition for the Inland Fisheries and Wildlife Committee, it talks about research; it does not talk about management. The reason this bill is in front of my committee is because it is about fish that are in the ocean. This bill came before the State House a number of years ago and it was referred to both committees. It created an enormous stalemate in the House between the Marine Resources Committee and the Inland Fisheries and Wildlife Committee, and it actually died between the bodies. We cannot take that chance.

On Saturday, in two days, there is a meeting at the Fishermen's Forum in Rockland, where the Alewives Fisheries are going to be talking with the Atlantic States Marine Fisheries about fisheries management of alewives. It is a crucial issue that this process moves forward, and so I would appreciate your

support in voting red on this Joint Order, and I also ask for a roll call.

Representative PERCY of Phippsburg **REQUESTED** a roll call on **PASSAGE**.

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. First off today, regardless of how you vote, the Committee of Inland Fisheries and Wildlife does not want to do anything to jeopardize the public hearing that is set up for Monday. All we are trying to do is have a seat at the table.

As the good Representative from Phippsburg has mentioned, this bill, I believe, have come more than once to this body, the last time being the 120th Maine Legislature. The bill that we are talking about is the exact same thing as what came to the 120th. The bill was referenced to Inland Fisheries and Wildlife and after some of the same type of debate the people involved back in the 120th decided that, yes, it is a thing that both committees should have a look at, so they pulled it back out, re-referenced it to both committees and the bill went on.

Now what happened, the merits of the bill and all that, I cannot speak to, but I would agree with the Representative that still today there is a lot of deep feelings on this bill. For me, personally, there isn't or there wasn't because I don't know a lot about alewives and I really don't know where the Saint Croix River is, but I do know that it is a river and it is an inland river. While I did not have a lot of feelings about it before, I certainly do now. The reason being is that the bill clearly states that it is going to direct the Commissioner of Inland Fisheries and Wildlife to do this. It is also going to have Inland Fisheries and Wildlife staff maintain and supervise the opening of these passageways that are controlled by Inland Fisheries. I don't care what type of fish you are talking about, but when you start talking about what you are going to direct Inland Fisheries to do, I would think that Inland Fisheries probably might want to have a little bit of say in that.

Now last session, I had a bill not exactly or anything like this, but it worked out the exact same way. We had a week off for vacation, the bill came before the Senate Clerk and House Clerk, and while we were out of session, they referred it to Inland Fisheries. When we came back from that vacation, I was approached by members of Ag and they said that they had jurisdiction over this also. At first I was reluctant, but after hearing their argument and really just doing what I thought probably was fair, I agreed to pull the bill back out and have it re-referred to both committees. I thought that that was what would be fair and responsible in this case. I spoke with the Senate Chair a month ago and obviously he knew more about the past, the history of this bill, than I did at the time. He graciously refused. I spoke with the House Chair three weeks ago. Again, he graciously refused. So I don't know what other option members of Inland Fisheries has than to pull this stunt, but I know that I am getting a tremendous amount of emails from people in that area saying that allowing this to happen is going to ruin a world-class salmon fishery. I mean, I don't know if that is true or not but I know that the people in that area certainly think it, and unless the Committee is there to be able to ask the same questions that Marine Resources is, I don't know how we are going to find that out. I mean, we can certainly go and sit in the front row of the Civic Center and listen to the testimony, but if we are not there to ask questions about the Inland Fisheries Committee, I don't know how those things are going to come out.

Basically, this is a big issue for the environmentalist crew. They think that this is restoring something and all that; well that's fine, and maybe it is and all that, but this is about the fairness of the referencing of the bill. Now this is a public institution and if we want to come down here, shut off the lights, pull the shades and reference bills to committees that we solely want it to go to because we think it has a better chance of passing, than that is fine. But there is no doubt that Inland Fisheries has at least some jurisdiction onto this bill. I think that it should probably be lead, but I am willing to be second lead on this just so that we have the opportunity to sit at the table, hear the conversation and ask our questions. I don't even know what else to say. I am really amazed that it has to come to this, but here we are so I would ask you to vote on the prevailing side, green, and again, I just don't know what else to say; I am kind of amazed by the whole thing.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Saint Croix River is most of my district, or all of my district actually, and I am hearing from both sides. This is a bill that covers both committees, and whether it dies between the bodies or not has nothing to do with what committees they are referred to. I think it is important that both committees have say and input on this. It affects not only the alewives and the ocean fishing, but it also affects the freshwater lakes that they go to in this area, and I think that both committees need to have say, and I just ask that you vote for this.

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 want to thank you, and I promise not to take a tremendous amount of your time here this morning, we have very important issues before us here in the House, but I would like you to take a little look around at a few Representatives in this House: Representative Percy, Representative Emery, Representative Adams, Representative McDonough, Representative MacDonald, Representative Wes Richardson, Representative Mazurek, and my seatmates and mentors on the Marine Resources Committee, Representative Ken Fletcher, and Representative Peggy Pendleton. I have the utmost respect for these people—the utmost respect.

I knew very little about diadromous fish, be they anadromous or catadromous, before I came to this body. I am not sure I could have spelled them either. Having said that, this has been an amazing experience, and an amazing part of my experience has been watching these wonderful Representatives working diligently, using their intelligence to listen to issues and make sensible decisions. Any suggestion that it is a special interest group that is trying to prevent these things from happening is simply not true.

We talk about these fish, well the American eel—by the way, which I received a lot of ribbing about when we had an elver discussion here last year—the American eel spends 20 to 25 years of its adult life in fresh water, yet we in Marine Resources deal with that species on a regular basis. For several months, I have been receiving—this didn't just happen—and for several months, I have been receiving information from both sides of this issue, for and against, study after study after study, and I have spent the time to look at those.

What I ask of you is to really look at those people I talked about and say are they incapable of making an informed educated decision on this bill, and if in fact we were the wrong committee, than why was it not objected to and referred

differently initially and not here at the last second of hearing? I hope that you will consider voting against this motion and allow the Marine Resources Committee as the committee of jurisdiction on this bill. Thank you very much.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am also a member of the Marine Resources Committee, and I rise to ask to vote against this motion which comes at the last minute after we have been looking at this issue for a long time, we already have data in front of us that we are looking at. My experience on our committee is that it is a very data driven, if you will, committee that looks at the evidence, looks at all the information that is needed to make a good decision. I believe that the Committee that it was referred to can make a good committee decision for the House and move it forward or not, depending upon the information we get. If Inland Fisheries wants to talk to us and bring information to us, definitely we will listen to, but to re-refer it at this time strikes me as simply creating a train wreck about this bill, rather than letting us go forward with a straightforward, scientifically driven discussion based upon the data. I ask you not to redirect the train at this point off on to a sidetrack; let us take care of this bill, we will do a good job with it. Please vote no on this Joint Order. Thank you, Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the things that I truly value and appreciate about this job is the fact that each of us comes here to represent the people of Winslow—Maine—but I do Winslow. One of the things that I would ask us to think about is every committee of jurisdiction has a responsibility to do a thorough and complete analysis, to report back to the rest of the body on the pluses and minuses of any particular piece of legislation. Every day we trust each other's judgment, because it is absolutely impossible to become subject matter experts on every single piece of legislation. I understand that there is a desire and there is logic even to say it should be jointly referred. If this was two weeks ago, I probably would not be standing here today making the recommendation that I am going to make.

I happen to know about alewives and if you read the paper every once in awhile, people consider me an alewives hater, but I am not. I like science, I like logic, I like facts, and I like to make a rational decision. The people on Marine Resources are probably not brighter than any other committee member on any other committee—I think we are, but that is my opinion—so I respect everybody in this body to provide a thorough analysis. We will do a thorough analysis on this bill like we do every other bill, and we will debate it, we will talk and we will ask questions. Just as I respect the decisions that come out of Inland Fisheries and Wildlife, I hope that all of us respect all of our opinions and allow us to do our jobs, because we have a lot of work to do here in the next five or six weeks, and I would hope we do not spend a disproportionate amount of time discussing and debating where a bill should be. Let us do our work, get it done, then question the results based on the facts and the logic; therefore, I would ask your indulgence to defeat the motion that is before us, and I thank you for the time to address the body. Thank you.

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

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will simply say that whatever has been said, I agree with. Please follow my light

on this one, it is a very important matter, and thank you very much.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this motion. I am also one of the sponsors of the bill that is in question that it is going to be referred to. I rise because I do think it is fair that both committees hear this. I was on the Inland Fisheries and Wildlife Committee also, but the merit to the bill itself is not what I am up for. I feel it should be a two-thirds vote here. We need all of your support to give both committees a chance to look at this bill, listen the hearing and give our feedback to the body. I ask you to follow my light.

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

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This, to me, is kind of an easy thing to figure out. I hope that you will vote against the pending motion and my reasons are this: The species that we are talking about spends most of its life in the ocean—marine—so that makes sense to me that it would go to the Marine Resources Committee.

The other issue that we are dealing with right now is that this bill is already scheduled for public hearing at the Civic Center on Monday. We had a hearing previously scheduled but because of the storm, it was cancelled, so my logical thinking is why are we talking about this at the last minute? The fish that we are taking about mostly live in the ocean, this is a last minute call, and we already did have a public hearing scheduled so that if there was objection, it should have come up then. I just hope that people will vote against the pending motion. 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. I think that was a question, and the reason why it is coming up at the last minute is we tried everything reasonable to get the bill re-referred before the hearing. Now, when it was cancelled two weeks ago, we tried to talk to more of the people to get it resolved in that time. I would have done the same thing two weeks ago when the hearing was coming up, but once it was cancelled it gave us two more weeks to try to come to a peaceful resolution on this.

Now it has been mentioned to not get the train off the track, well the train as far as I am concerned never went on the track. This bill was referred December 18 and I do not think any of us was in here. Now I worried for a couple of weeks that I had missed something, let something slide by, but it was not my fault. We never got a chance. Joint Rule 302, which is a common thing that happens in the second year of the session, so that is why it was referred to what I consider as the wrong committee. Now we are here asking just to have an opportunity to sit at the table; we were told yesterday that we could sit there. I am quite sure we were told that we could not speak or anything like that, could not question anyone that came, but we could sit there. Well, I do not need to go sit somewhere just to make people feel good and think this looks good or anything like that.

Like I said, I don't really know how else to put this, but this is just a travesty. If you are so concerned that people are not going to vote for a bill that you are going to try to railroad it through on this and not let the committee that clearly has jurisdiction, I mean we are talking about 15 miles up the river. I would say that is inland waters. But if you want to ram her through, go ahead, whatever, but I guess I am going to have to try to get some bills from Transportation rolled over in IFW and maybe some Health



and Human Service stuff. I mean, I just cannot really get over this.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is partially a process question and partially a political question, but in fact, this is not just a joint order for a joint referral, this is the first attempt to kill a bill before its hearing.

The last time this happened, the joint referral took place and we ended up with a 13-13 split, and the bill died between the bodies. This is simply a first effort by a very strong group of people, who have very legitimate interest, to kill this bill. It is not being debated here on the floor on its merits, it is being debated on the first step towards tangling it up so it has no chances to be heard on the merits, or be decided by this body in a few weeks when it is reported out of committee. I encourage you to vote against this Joint Order. It is something that we should have a look at, if it were this important or this procedurally important, or jurisdictionally important. We should have seen it three weeks ago instead of two days before a hearing, in which we put out a lot of money to rent the Civic Center, a lot of people are coming up, it is going to go on forward anyway. To try to change it and make it a joint hearing at this point is merely going to confuse the process, which is, in fact, the intent of the sponsors of this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had not planned to speak on this, but I just wanted to give you an example. If a policeman stops you for an OUI on the road and you go to jail, does the policeman still have jurisdiction once you are in jail? I don't think he does. I think once these fish leave the ocean and they go 15 or 20 miles up the Saint Croix River, probably Inland Fisheries and Wildlife has jurisdiction of those fish, so I think we need to vote green on this. I hope you follow my light and vote green on this.

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 want to say thank you very much, Representative Watson, for clearing up my intent. I mean, I am not an unfair man or anything like that. I thank you for that, and because of the Representative's clear portrayal of what I may be willing to do or whatever, I will be abstaining from this vote.

The SPEAKER: No individual member in their seats is allowed not to vote for any given vote before the body, and the Representative from Allagash, Representative Jackson, is in concurrence of that.

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 just also want to reiterate what my good Chair said. This is not an attempt to kill a bill and I have a little different reason. The fact that Inland Fisheries and Wildlife are going to be the ones that have to implement this, presently we are faced with the decision of where we are going to cut that budget. We are going to make some decisions about where we are going to do different things to that budget. If we are going to have our people that are in Inland

Fisheries and Wildlife going out and monitoring something that we are paying for, it seems to me that the Inland Fisheries and Wildlife Committee should be part of that discussion. I will be supporting my Chair today. Thank you.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to address what I perceive to be an institutional issue here. We do have jurisdictions in our committees that are set out in various documents, but those jurisdictions, I would submit, are inherently artificial and arbitrary to a great extent. To a very great extent, each of us is required to be a jack-of-all-trades, to be able to have expertise on a lot of different areas.

The idea of separate jurisdictions is essential but it is important, and we are often called upon to address issues that overlap with other committees. Just this week, the Health and Human Services Committee addressed a bill that had to do with hospitals, whether hospitals can bill insurance companies for certain procedures. Certainly, the activities of hospitals are squarely within the HHS jurisdiction; the activities of insurance are certainly within the Insurance and Financial Service Committee's jurisdiction. We could have fights over these things on almost any bill that you can think of to some extent. I am just asking us all that when we vote on this, to have the institutional interest of this body in mind as to what would happen if we began to really have these kinds of tussles and, instead, maybe we need to respect the fact that each of us has to wear multiple hats, has to bring a variety of experiences to our committee performance, and the institutional interests, and stability, and continuity in going forward. We all get a chance to participate in the public hearings, we all get a chance to vote in debate on the floor of the body, but whether this kind of intense jurisdictional fight is good for this body and is a good precedent going forward, I would ask you to keep that in mind. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Wheeler.

Representative **WHEELER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am in favor of the motion and I will be voting with it, because back about two weeks ago, we were involved in it and asked for a decision on it, and we did not get any decision on it, and this is why the joint bill was put in late. That is why I am in favor of it, because they always dare to have the Inland Fisheries and Wildlife and the Marine Resources meet jointly on this thing. This time, I think we should be involved in it too. Those are my feelings. Thank you very much.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues and Friends. I rise in support of this issue, and I would like to thank the good Representative Brautigam for his analysis of the jurisdictional difference and I agree with it. But as a Chair of LVA, I have had these same issues myself.

First of all, I would like to thank our great Clerk and Senate Secretary for the job they have to do under Joint Rule 302. I think 99.99 percent of the time, they hit it right, and I have the utmost respect for our Clerk and Secretary of the Senate. But there are times when the disagreements come, when we as chairs in the Chairs Meeting don't even come together and myself and the good Representative from Gorham, Representative Barstow, have fought bitterly on referencing of bills. As a matter of fact, at one point we had to have a joint caucus with both he and I and our Senate colleagues and the

Clerk, to decide where the delineation is, and we settled that issue. That worked out really well, but I think it is clear that there is clear jurisdictional overlap—clearly anybody can see that—on both committee, and I understand it is pretty simple. But I would say over the course of a year on any session, there are probably only half a dozen or a dozen or so bills that get jointly referred and that is because we work out the process, and when there is clear jurisdictional overlap, we do jointly refer these bills.

I think the good Representative from the Allagash has basically stated that this will not kill the public hearing if we pass this through a two-thirds vote. What the intent is, and he clearly said, "I am not looking to be the lead, I am looking to be the second, but I want to be a partaker in the system. So with that, I would ask you to please support the two-thirds, we will move on, we will get the public hearing where both committees are a part of it. The Chair of Marine Resources can be the lead, and IF& W can be the second. Thank you, Mr. Speaker.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge my colleagues to support Representative Percy and the Marine Resources Committee on this issue, and respect that it was appropriately made, which followed our rules. We often have, as has been said, overlapping jurisdictions. We cannot cherry pick other committees' areas of reference when those overlaps occur. Our role is to testify and to be engaged in debate on the floor when results come from our committee hearings.

I do not support this Joint Order, mostly because the Marine Resources Committee's jurisdiction is clearly spelled out. In addition to alewives, they are responsible for Atlantic salmon, American shad, rainbow smelt, sea lamprey, and American eels. These fish, alewives and these other fishes, travel through many of our rivers and streams and into our lakes throughout the coast of Maine and down into southern New England. They have been doing it for thousands of years; we hope they will continue to be doing it.

This bill has to do with one particular waterway. It is a contentious issue, I recognize that. I am a cosponsor of the bill, and I look forward to the discussions at the hearing and the debate on the floor.

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 was not going to rise on this occasion, but clearly it started out as a turf war it seemed and now it is a surf war, and I would like to weigh in on it because I think that at least the coastal economies depend greatly on what happens in our committees. My observation of both committees is that our constituents are well served, and also the other Representatives of all the committees have an opportunity to weigh in on these topics, so I see no point in really getting too involved in this struggle, and I think we should leave the issue where it is so I will be voting red. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lee, Representative McLeod.

Representative **McLEOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have the greatest respect of all the committee members in Marine Resources, but this fish lives about half its life in inland waters and in doing so, I think it should come before the Inland Fisheries and Wildlife. I would encourage everybody here to follow Troy Jackson's light, even though he is not going to be able to abstain from a vote, so please follow his light and mine. Thank you.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not expect I would be talking about the lifecycle of the alewife and this is in the bill, but since we are talking about the lifecycle, a lifecycle of an alewife is—now get ready, because it is pretty exciting.

The SPEAKER: The Chair would interrupt debate. I want to make clear that the issue is jurisdictional; I want to not waiver too far into the substantive issue of anadromous fish. The Representative may proceed.

Representative **FLETCHER**: Mr. Speaker, once I am through with this, you will see clearly why this is jurisdictional, or at least I hope.

The alewife comes from the ocean about May and June, swims into the rivers to get to a lake to spawn; then it leaves. It goes, it does not stay. The young alewives hatch, I guess that is the right term, spend about three months in that pond or lake, and then they leave. Three years later, if they have not been eaten by a seal or a salmon, they will come back.

Now the point of jurisdiction: Over that 36 month period of time, they only spend 4 months in fresh water, approximately 10 percent of the time, so if that is not a good reference to say where the principle jurisdiction is, I would contend that we have to look where the fish lives most of its time, not where it happens to end up for a couple of months out of the lifecycle. Thank you.

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

Pursuant to Joint Rule 103, this Joint Order required the affirmative vote of two-thirds of those present for passage.

**ROLL CALL NO. 216**

YEA - Annis, Bliss, Briggs, Browne W, Bryant, Burns, Carter, Clark, Curtis, Dill, Duprey, Edgecomb, Faircloth, Farrington, Finch, Fisher, Fitts, Flood, Gifford, Giles, Jackson, Jacobsen, Johnson, Lewin, Marean, McFadden, McLeod, Mills, Nass, Norton, Perry, Pinkham, Richardson D, Sarty, Saviello, Sykes, Theriault, Thibodeau, Tibbetts, Tuttle, Weaver, Wheeler.

NAY - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Boland, Brautigam, Cain, Campbell, Canavan, Carey, Casavant, Chase, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Eaton, Eberle, Finley, Fletcher, Gerzofsky, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Joy, Kaenrath, Koffman, Lansley, Lundeen, MacDonald, Makas, Marley, Mazurek, McKane, Miller, Millett, Miramant, Muse, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Thomas, Treat, Trinward, Valentino, Vaughan, Wagner, Watson, Webster, Weddell, Woodbury.

ABSENT - Berube, Cebra, Emery, Fischer, Gould, Grose, Knight, McDonough, Moore, Patrick, Tardy, Walker, Mr. Speaker.

Yes, 42; No, 96; Absent, 13; Excused, 0.

42 having voted in the affirmative and 96 voted in the negative, with 13 being absent, 42 being less than two-thirds of the membership present and accordingly the Joint Order **FAILED PASSAGE**.

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Representative PINGREE of North Haven assumed the Chair.

The House was called to order by the Speaker Pro Tem.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 39)

ORDERED, that Representative Robert A. Berube of Lisbon be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stacey Allen Fitts of Pittsfield be excused January 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Jacobsen of Waterboro be excused February 7, 12 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elaine Makas of Lewiston be excused February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nancy E. Smith of Monmouth be excused February 26 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused February 14 for personal reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Carrabec High School, of North Anson, the recipient of the AARP Ethel Percy Andrus Legacy Award for Innovation for its Willpower Program. The award was developed to honor Dr. Andrus, the founder of AARP, a public educator who developed and implemented a host of innovative programs that served the interests of her students and the community. In honor of AARP's 50th Anniversary, the organization is awarding \$10,000 to one school in every state. Carrabec High School's award-winning program is about transformational change that incorporates physical activity with educational advancement and focuses on personal goal setting and a public commitment to goal achievement. We congratulate Carrabec High School on its winning this prestigious award;

(SLS 520)

On **OBJECTION** of Representative PINKHAM of Lexington Township, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

the Four Seasons Trail Association, of Madawaska, a nonprofit organization dedicated to the promotion of healthier lifestyles for the people of the community. The association, staffed and supported entirely by volunteers, provides first-class outdoor facilities and programs for all to use that take advantage of the natural beauty of the area, and it promotes healthy activities and economic opportunities for the community. The association is open to anyone and offers activities such as cross-country skiing, mountain biking, snowshoeing, walking and hiking and interpretive nature trails. We send our appreciation to the Four Seasons Trail Association for its hard work for the community;

(HLS 1044)

Presented by Representative THERIAULT of Madawaska. Cosponsored by Senator MARTIN of Aroostook.

On **OBJECTION** of Representative THERIAULT of Madawaska, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is with a great sense of pride that I stand before you here today, to recognize the many volunteers and persons who worked for the Four Seasons in Madawaska.

This year, with a \$30,000 grant from the state, plus \$40,000 from the town coffers, and \$110,000 that was raised from the community from the people, the businesses in the community of Madawaska, we were able to build a lodge within months time for the public, the people in the area. Anyone and everyone are welcome; there is never a fee for using those facilities.

There was approximately I figured, the number is about 7,000 hours of volunteer work that was given to this project from engineers, to carpenters, to masons, to electricians, to you name it. Everybody and everyone pitched in. It is in my estimation, a complete community effort, and a great one, something that we really needed in our area and it does provide for the outdoors which is what we are looking for.

But out of all of this, we have produced a world-class biathlon person, a young lady by the name of Meagan Toussaint. Remember that name, because in my estimation, she will be on the Olympic Team. She has been competing in Switzerland and all these different places, she is attending the University of Maine at Presque Isle, holds a job, and in my estimation and I hope it to be true, that she will be on that team. For this, hats off to all those people who have worked so generously for this community effort in Madawaska. Thank you.

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

**Recognizing:**

the memory of Agnes MacGregor Cunningham, of Saco, on the one-year anniversary of her passing, to celebrate the life of a woman known affectionately as "Nan" and informally by her students as "Miss Cunningham." The community of Saco will long remember her as a strict but beloved educator, a compassionate elder of her church and a woman of character and gentility. At the time she died, she was 94 years old and had been extremely alert, articulate and full of life up until the end. She was a modern woman for her time, and was a 1932 graduate of Farmington State Normal School. She taught school in Saco for 40 years, attending summer school at Gorham Normal School to complete her bachelor of arts in education in 1952 to meet increased teaching credential requirements. After World War II ended, she volunteered countless hours to teach English to new immigrant families. During the fire of 1947, she donated her time to help families who were burned out of their homes. During her teaching career, Miss Cunningham was known for her rigorous teaching standards and she expected self-discipline in the classroom. She taught 8th-grade English, reading and language at C.K. Burns School. Many years after she retired, she was quoted as saying, "when I first started out, I thought 'I just hope they like me,' and later on I thought, 'never mind the like, I hope they respect me.'" People told her she touched thousands of lives, but her reward was that they had touched hers. Miss Agnes "Nan" Cunningham will always be remembered by her many devoted nieces and nephews, and we join her many former students in celebrating the memory of this extraordinary

educator;

(HLS 1045)

Presented by Representative VALENTINO of Saco.  
Cosponsored by Senator HOBBS of York, Representative PILON of Saco.

On **OBJECTION** of Representative VALENTINO of Saco, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today on the one year anniversary of the passing of Agnes Cunningham, which I think just shows us how fragile life is. This sentiment was not supposed to be in memoriam, this sentiment was supposed to be last year. We had organized all of the information and brought in all the letters from her nieces and nephews, and at the time, at the beginning of the session when we have a lot of bills that are going in, they said hold a little of the sentiments because we want to get the bills out, so I did not put it in at the time because I thought I was being good, and I was holding it and it would come. That day did not come. I got the phone call to say that she had passed during the night before we were able to put in this sentiment. She was supposed to be here last year to celebrate all of this and have a party, so on the one-year anniversary, I really wanted to honor the memory of a woman that was so well known in Saco.

When you read through, it says discipline everything. Well, to make a long story short, she was strict. She was very strict, she was very scary, and when I went door-to-door knocking on doors and I know I am supposed to have this list and not knock on a door if I do not know who the people are, but I just go up and down the streets and knock on every door. All of the sudden, she opened the door and I really have to admit, I took a step back and it was like "Oh my God, Ms. Cunningham." She said to come on in and we sat down, had a cup of tea, went through all of her pictures. Ms. Cunningham had never married but she was close to all of her nieces and nephews. She had done so much, and it is a shame, I think, that we really do not know about a lot of people until after they pass and we really read the information, how they did their lives. She was such a pioneer in the modern woman, I think, for all of the church services she did. She taught English to the immigrants in the factories before we ever heard of English as a second language.

In closing, I want to mention, again to read from one of the quotes, because when I was doing the research for this sentiment, it really struck me that the quote applied to me and I am sure it applies to a lot of people here in the State of Maine and sitting in this House today. She said, "When I first started out, I thought, I just hope they like me. Later on, I thought, never mind like; I hope they respect me." Those are words that I also live by here, that I really feel that we have a job to do and whether we are on different sides of the issue, I hope at the end of the day that everyone will have respect for one another and what they believe in. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Although I did not know Ms. Cunningham that well, I am reading letters from nieces and cousins and people within the community that did know her, and she did have an impact on the community: firefighters, public works people, everyone had her as a teacher and respected her. She had such an impact on the community. She would walk up and down Main Street and people would say

"There is Ms. Cunningham. We had you as a teacher." Thank you so much for what you have done for us, and what you have done for our children. She will be missed, and I know that there is a Ms. Cunningham in every town and village in the State of Maine. She has been a role model in Saco, and she will be missed. Thank you.

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

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Public Law**

Representative BLISS for the **Joint Standing Committee on Utilities and Energy** on Bill "An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service"

(H.P. 1599) (L.D. 2238)

Reporting **Ought to Pass** pursuant to Public Law 2007, chapter 226, section 3.

Report was **READ** and **ACCEPTED**.

On motion of Representative BLISS of South Portland, the House **RECONSIDERED** its action whereby the Committee Report was **ACCEPTED**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 762) (L.D. 1968) Bill "An Act To Clarify the Election of Municipal Charter Commission Members" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-426)**

(S.P. 808) (L.D. 2118) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-428)**

(H.P. 1435) (L.D. 2051) Bill "An Act Regarding the Sale of Firearms to Minors" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-695)**

(H.P. 1519) (L.D. 2139) Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)**

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

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 755) (L.D. 1961) Bill "An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff" (EMERGENCY) (C. "A" S-423)

(H.P. 1408) (L.D. 2024) Bill "An Act To Clarify the Licensure of Advanced Practice Registered Nurses" (C. "A" H-694)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE**

**ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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(H.P. 1521) (L.D. 2141) Resolve, Regarding Legislative Review of Portions of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-693)

On motion of Representative BLISS of South Portland, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

Bill "An Act To Protect Inland Water Access"

(H.P. 1294) (L.D. 1858)  
(C. "A" H-689)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Register Their Watercraft Online

(H.P. 1474) (L.D. 2088)  
(C. "A" H-688)

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

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Bill "An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws" (EMERGENCY)

(S.P. 863) (L.D. 2233)

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

On motion of Representative SIMPSON of Auburn, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-703)**, which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-703)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**ENACTORS**

**Emergency Measure**

An Act To Clarify Maine's "Do Not Call" Laws

(S.P. 783) (L.D. 1989)  
(C. "A" S-413)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH**.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

**Acts**

An Act To Allow Blended Sentencing for Certain Juveniles

(S.P. 691) (L.D. 1897)  
(C. "B" S-415)

An Act To Secure the Sites Necessary for the Statewide Radio and Network System

(H.P. 1497) (L.D. 2111)  
(C. "A" H-670; S. "A" S-424)

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

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An Act to Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident

(H.P. 1384) (L.D. 1948)  
(C. "A" H-673)

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

On motion of Representative CEBRA of Naples, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 217**

**YEA** - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Burns, Cain, Canavan, Carey, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Giles, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Millett, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Rosen, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Beaudette, Beaulieu, Bliss, Bryant, Campbell, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Gifford, Greeley, Hamper, Jacobsen, Johnson, Joy, Lansley, Lewin, Lundeen, MacDonald, Marean, McFadden, McKane, McLeod, Mills, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Strang Burgess, Sutherland, Sykes, Tibbetts, Vaughan, Weaver, Woodbury.

**ABSENT** - Berube, Emery, Fischer, Gould, Grose, Hanley S, Haskell, Knight, McDonough, Moore, Pineau, Tardy, Thibodeau, Walker.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 26, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-640)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Clarify the Application of Prevailing Wage Requirements"

(H.P. 328) (L.D. 412)

TABLED - January 9, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

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

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me kind of explain real quick what this bill does, and I will not be long.

Basically, on a state-funded job, there are certain minimum wage requirements for certain jobs. I used to have to do this when I was a payroll manager for a construction company. We would look at what job they were doing, what the minimum prevailing wage was for that job and we would pay them that rate, and it would be substantially higher than what their normal wage would be. But there are two different tables of wages: There is a federal minimum wage, and there is a state minimum wage. My construction company, I always went to the higher wage, but some companies will figure out which portion. If it is state money, they will use the state wage; if it is federal money, they will use the federal wage. Basically, we are talking here the difference between somebody getting \$32 an hour, or somebody getting \$34 an hour.

The Fiscal Note on this bill is \$3.3 million to the Department of Transportation, which means with the 10 feet of snow that we have had up in the Bangor area this year and our roads are an absolute mess, come spring if this bill passes, there are 15 miles of paving that will not be done. There are also three small bridge replacements that may not be done. When our citizens cannot afford to heat their homes, giving somebody \$2 an hour extra when they make \$32, just is not really a priority for me, so I urge you to vote against the prevailing motion. Mr. Speaker, I ask for a roll call.

Representative **DUPREY** of Hampden **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: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Duprey has explained to you what the bill clarifies, that publicly funded construction projects under the jurisdiction of the Federal Davis-Bacon Act, or other federal acts, minimum wages and benefits under Maine law. It is Representative Clark's bill and currently, a state agency using federal funds for a construction project that mandates use of the Davis-Bacon wage benefits rate is exempt from state prevailing wage requirements. The bill would remove the exemption and require that the state agency pay a state prevailing wage and that benefit rate.

From testimony that we heard at the public hearing, the state rate more accurately reflects the prevailing wage in Maine and is a fairer measure of the labor value. Federal data collected, methodology is less comprehensive and is often out of date. We have some rates that have been in effect since the 80's and have not changed since then.

This bill would increase the number of ways in benefit determinations by the Department of Labor standards and is required to produce, but the process is computerized, so the cost to the Bureau can be absorbed within current resources. The bill would recognize that the Federal Davis-Bacon and related wage systems, sometimes fail to produce timely and accurate wage and benefit determinations. The bill would insert state data when that occurs.

Now as far as the Fiscal Note, we have pared it down, and we would ask that you would allow us the time to work with DOT and the Appropriations Committee. We would ask that you would do what is right for the construction workers of Maine. Thank you, Mr. Speaker.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Some news for the Men and Women of the House: The Federal Government is not keeping its word. The Federal Government is, how can I put this nicely, not telling the truth. Now, you may say that you are shocked to hear this, but it goes beyond that. The Federal Government, in effect, is taxing Maine working people without a public vote—and I think back in the day, there were some people who threw some tea into a harbor about activities of that sort—but that is really what we are talking about. I want to say certainly the Democrats on the Labor Committee were unanimous on this and as Majority Whip I want to support those Democrats, but I would suggest that there is a reason that we should all be supporting this on a bipartisan basis.

President Hoover signed the Davis-Bacon Act in 1931, and you know that at Democratic Party conventions, we do not have a lot of speeches about President Hoover, but he was a great guy. The relief efforts in World War I saved a lot of lives. When there was a big flood in New Orleans—this may sound familiar—in the 1920's, there was no such thing as FEMA but there was a President Hoover. He was masterful and saved many lives, and was propelled to the presidency by his efforts.

One thing that this very principled conservative did was sign the Davis-Bacon Act in 1931. Let's be clear what it does: The Davis-Bacon Act says we are going to pay workers the prevailing wage—not some higher wage—just what is the prevailing wage in a given market area. That is what the law says; that is what it has said for over 75 years; that is what it does. But unfortunately, in contravention of the principles of President Hoover, who said we don't want to pay somebody above the wage, but let's not gauge the average worker who is doing a construction job, let's pay him the prevailing wage, is the Federal Government has been—let's face it—not been forthright with the people of this country. What they have done is they just sit on their hands and they do not do a prevailing wage analysis. Let me give you some figures; this is amazing and it is for real.

In Maine, out of 214 wage determinations, 80 percent were done in the last year. But it gets worse: 77 percent—77 percent—are more than five years old. So basically, they are saying we'll pay you the prevailing wage, five years ago, but the other projects are actually 2008 wages, so we are asking, we are not saying to pay something that is above; we are saying to pay what is the prevailing wage. It is really a cheap shot to workers to say we are paying you the prevailing wage when they are

really paying you a prevailing wage from years ago, literally. Literally, there are some prevailing wage determinations from 1988 that are still on those books, so they are saying we'll pay you the prevailing wage in 1988. Good luck with that.

How does this work? It says to a guy, we took some figures from Hancock County, and they found out about a guy who is an ironworker gets paid \$2 an hour less. That's what happens: \$2 coming out of his pocket. That is what happens because of the way this law is working. It is a tax on that working man; it is reaching into his pocket and taking out his money without any public vote. That is how this system works and it is completely unfair and it is misleading, so if there is a fiscal note on this bill, we'll work on that fiscal note, but remember that the fiscal note on this bill is one thing: It is reaching into a working person's pocket and taking the money out and using it on a state project; so they are saying for state projects, we are going to gouge you; we are going to pay you below what is the prevailing wage in an area and that is how we are going to save money. Well, that's not the principles of Maine people; it's not even the principles of President Herbert Hoover.

So really, our test is can we follow the values of President Hoover? I think he was a good reasonable guy, a good conservative guy; I think we can follow his lead here and support the unanimous Democrats in this committee, and I hope we will have a bipartisan vote in support of this measure. I thank the members of the House.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that this motion prevails. I am not going to say anything different, but I may say what the good Representative from Bangor, our good Whip, has said differently, maybe.

The prevailing wage is not something that we determine here as legislators. It is determined, as was pointed out earlier, by the marketplace. It is the marketplace that determines the prevailing wage and it does it by that proverbial invisible hand: Workers simply refuse to work for a wage less than that commensurate with the skill that they bring to the job.

Now, because we have a prevailing wage law at the state level and at the federal level, we as legislators have an obligation to ensure that the prevailing wage keeps pace with the marketplace. That is our job. The Federal Government has failed in their obligation to keep pace with the marketplace and the wages determined in the marketplace.

To follow the federal standard would artificially move the prevailing wage in a downward trend against the dictates of the marketplace. I hope that you can follow my logic there, okay? The prevailing wage, if we were continue to follow the Federal Government, would drive wages downward and workers then would have a right to say to us "We don't want to do business with you," and they will do that. As a result, workers less skilled would fill their shoes, and then we would be ultimately jeopardizing the public health and safety and, of course, that is our function here as legislators, to ensure the public health and safety. That is our function here. Our job is to regulate society, including the marketplace.

So that is what we are asking here, is that what we do, we do diligently with respect for the marketplace and for workers in the marketplace, as well as consumers and taxpayers. The Federal Government however has failed to do that, so we here are seeking no more than to set the record straight. We have done our job; they have failed to do theirs. When people are bidding with the State of Maine to do business with the State of Maine, they must meet the most accurate standard which is ours, which

happens to be a higher rate of pay but it comes from the marketplace; therefore, I ask you to help me let the prevailing wage continue by letting this motion prevail. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I almost wanted to get up and clap after Representative Faircloth's speech there because he is a great orator, but let me tell you what I feel about that, because it does not take any money out of anybody's pocket.

I hire somebody to be an excavator at \$20 an hour, and his rate of pay is \$20 an hour and it will never go below that because that is what I hired him at, or her. When they go to work on a state job or a federal project, the Federal Government or state government says here is what the minimum requirement needs to be to pay that, and it is always usually well above what that \$20 an hour is. Let's just says it was \$30 an hour. So that means I have to pay that minimum \$30 an hour on that job, whether it be state or federal. Now, the Representative from Berwick, Representative Burns, talks about the marketplace dictating the wage. Well the marketplace dictated \$20 an hour, because that is what an excavator gets hired for. The government inflated the wages to bring it to \$30; it had nothing to do with the marketplace.

Now in committee, I recommended why don't we just use the state wage only, since that is the latest representation of the figures. From the Representative from Bangor, Representative Faircloth's own words, we should use the current information. But what they failed to tell you is the Federal Government's wages are much higher in some of the different jobs. What this bill does is it always finds the higher wage and uses only the higher wage, not the most representative of the job but the higher one, regardless if it is the most updated wage information or not. They fail to tell you that part: They are always going to use the higher. What if the state's most representative wage happens to be a little bit lower, \$2 an hour? What they are telling you is they want it higher, regardless of the fact that it is the latest or not. It is still a bad bill, it is still going to make 15 miles less paving in your districts, there are still going to be less road projects done, the DOT Fiscal Note is going to be \$3.3 million, so if you can explain that to your constituents, go ahead and vote green.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the good Whip in the presentation of the bill; he explained it extremely well, as well as the House Chair. One thing I do not want to do is get up here today and scare you half to death. I can tell you that we do have a lot of snow, I can tell you the roads are falling apart, but this is a good bill. I do not pretend to be Herbert Clark Hoover, but I am Herbert Clark and I hope that when you vote today, you follow the good Chair of the Committee and vote the right way, and vote the way the people back home want you to vote, so when you do vote, please vote green. I am going to keep it short and to the point that it is a good bill. 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. I want to be quick too because after this morning, I am pretty tired as it is. But I did want to get up and say that I think the Representative from Hampden, Representative Duprey, is right. This is not something that people are reaching in and taking the money out of the



pocket, because the trouble is the money never got to their pocket.

I would support doing what he said about taking just the state wage, and the reason why I would support that is the state is at least doing their job in this regard. Federal Government has failed to keep up with it, to do anything, they just let it sit there and what happens in that case is it drags down the state wage. If you are putting in these federal wages that have never been touched into trying to figure what the state wage is, they actually drag down the amount of the state wage. We have seen this in other applications; in the logging field it is the same thing. The Feds have refused and refused to set rates. They tell the state to go ahead and spend hundreds of thousands of dollars establishing your own rates in logging, but we are not sure if we are going to use them or not. Well, the Federal Government is just not following in respect to the law and all.

As Representative Duprey said, I would personally support going just on the state wages. That is not the bill we have right now. What we have is to take the higher of the two, as he said, but we had graphs in the Committee and one of them showed 36 different occupations in Maine, and I believe five of them were higher on the federal side; all the rest were higher on the state side. So I would take that tradeoff of 31 state wages higher and five lower in the federal, but what I would really like to see is the federal wage just get dumped altogether and that would show us a true indication and it would not actually drag down the state wages, so I ask you to support the bill.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is another bill that will increase the cost to maintain and reconstruct our roads, at a time when the DOT capital budget is falling every year, and our roads and bridges are crumbling. How much longer, how many more times are we going to increase the costs, fail to fund our highways, and then complain about the condition of our roads? I would hope that we would stop here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with my fellow Transportation Committee member. I think in this marketplace that ought to determine the prevailing wage. I am sure that workers in the current economic environment would be in favor of jobs. They need these transportation jobs; they need the paving and roads and bridges. If the road and bridge amounts decrease, there are going to be less jobs. You will have more complaints on your roads in your community. A bill like this with a big fiscal note, it will probably be on the Transportation table, or perhaps on the Appropriations table, that it is really not a good thing for our roads and bridges, not a good thing for our workplace place. Again, I urge you to defeat this motion. Thank you.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this motion for several reasons. If the Federal Government is going to hold their wage in abeyance for 10 or 20 years, just inflation alone would say that people are going really behind as far as that.

We have also done the same thing in the State of Maine. The Federal Government, for years, has held the minimum wage back for about seven or eight years before we finally made a difference in that. Maine, in itself, has bantered about whether we are first

in taxes or fifth in taxes. One of the things I know about that is they have said one of the primary reasons is because of income. If the income raised \$5,000 for every worker in the State of Maine, we would not be the top tier; we would be probably be in the bottom tier.

Mr. Speaker, I am proud to say that the eight years that I have been here, we talk about our roads and bridges going to pot, mostly potholes, and deterioration of our bridges. Well, I am proud to say that in the eight years that I have been here, I have supported every single transportation bond that has come before this House and I am proud to say that, and for the two years that we did not have any bonds that were voted out of this body, we ruined hundreds and hundreds of roads and many bridges besides that. If we had this prevailing wage, I am sure there would be fewer less miles of roads, if it is 5 miles, if it is 15 miles, if it is 30 miles—that is one thing. But we as a body have taken a stand and not myself because my vote is my bond, not to pass bonds for a couple of years. Even if this does add a little cost to it, in the long run it is going to be a benefit to many of the people, and I agree with what Representative Faircloth of Bangor said: Let's not tax our people to death; let's raise the standard of living in Maine; let's bring the jobs up to a fairly decent level; let's put the inflationary factor in, I am sure we could raise that to a standard thing; and let's call our congressional delegation and get them to do the job that they have not done for the last 15 or 20 years. Please support the bill, Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to sum this bill up for you: It is a bad bill; it is a waste of money; and we do not have trouble finding contractors, we have trouble finding money to fund contractors.

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. It is not the working man's job to fund the Highway Fund; it is the taxpayers of the State of Maine.

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. 218

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carey, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Harlow, Haskell, Hogan, Jackson, Jones, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Pratt, Priest, Rand, Rines, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Briggs, Browne W, Carter, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Greeley, Hamper, Hanley S, Hayes, Hill, Hinck, Jacobsen, Johnson, Joy, Lansley, Lewin, Lundeen, MacDonald, Marean, McFadden, McKane, McLeod, Millett, Muse, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Strang Burgess, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver, Woodbury.



ABSENT - Berube, Emery, Fischer, Gould, Grose, Knight, McDonough, Mills, Moore, Pineau, Piotti, Tardy, Walker.

Yes, 72; No, 66; Absent, 13; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-640) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 4, 2008.

**ENACTORS**

**Emergency Measure**

An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws

(S.P. 863) (L.D. 2233)

(H. "A" H-703)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

The following Joint Order: (S.P. 865)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 4, 2008 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District" (EMERGENCY)

(S.P. 864) (L.D. 2234)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Resolve, To Name a Road in Dexter after Harold Alfond

(S.P. 866) (L.D. 2239)

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 26, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "B" (H-664) - Minority (6) Ought Not to Pass - Committee on EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"

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

**TABLED - February 5, 2008 (Till Later Today) by Representative NORTON of Bangor.**

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **NORTON:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill establishes and maintains a center within the University of Maine System that would offer labor education and policy development for students and community organizations. The Chancellor is in support of this bill, the concept of the bill I should say. The University of Southern Maine spoke to the fact that they had a critical mass of well-regarded faculty and the capacity across existing departments to launch this center. This center would offer a BA and a master's program that would be modeled after the Youngstown State program.

This bill was passed last year by the Committee and by both bodies. This was one of those bills that was sent back to us by Appropriations and asked us to resubmit it this year, so both the Committee and the body has found this worthy enough to ask to seek to be sent through a second time.

The Amendment, I should note, is simply the Fiscal Note, and I think that is the information that I wanted to give the body.

The **SPEAKER:** The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS:** Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. This is a bill that came before us at the end of last session, as well, and it is back again. We have so many important budget issues to deal with in this session and the state economy right now, and one of the things that this Legislature needs to really stop doing is telling our different organizations that have actual input in to how they are run, the specifics of how to do their job.

This legislative body approves and endorses the folks that are set to run the University System, the Board of Trustees, and that is the body that will make the different decisions on academic programs and which universities they should be appropriately run. This body furthermore sets the budgets and things, and then the prioritization of the use of that budget needs to be determined by the Chancellor and the Board of Trustees, in to which people have input; let them do their job. Only those folks understand the different priorities that the different university campuses and can best make the decisions for academic programming. It is basically like us going all completely around saying we do not care about your priorities; we are going to tell you because we know better which academic programs you should have. That is just not appropriate. We need to put smart people in positions, empower them, and then let them do their job. As it is in the Education Committee, we are already looking at something like \$6 million worth of cuts to the University of Maine System in the next several years of budget. How on earth can then we turn around and essentially mandate that they start a whole new academic program?

This really is not about the merits of this specific program. I do not think it is really appropriate to have that debated at this level, and for us to then dictate what they have to do, when in fact we are trimming all of the costs in the budgets that they have to work with, they are going to have their hands completely full managing and delivering the basics of what is needed to be delivered for baccalaureate degrees, to citizens of the State of Maine. I think to add anything mandated on top of that is inappropriate and uncalled for. I would urge you all to not

support the Majority Report and to vote red against this at this time. Thank you very much.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, you talk about labor; I have probably worked in the workforce for quite awhile, just getting done at Katahdin Paper with 42 years in the paper industry. Going anywhere in the communities, going anywhere in the State of Maine, trying to find some history on the labor movement is near impossible. Wouldn't it be nice to have your children learn something about where their paycheck comes from, or how it came about, rather than just going to the ATM machine and just pulling a card out, and there is your money? History does not hurt any of us; history is good.

I think the system can work this into part of their program. Don't be ashamed because you are a worker; don't be ashamed of bringing the history forward; don't skirt everything underneath the rug of what this state stands for. Stand up for the working people; show your kids, show your daughters, show your sons, where the money comes from, what it is like to work, a little bit of history. We are losing a lot of history, particularly in the Katahdin area, because the jobs are leaving. People coming in have very little history of how that car was built by working people.

I came from a part of Millinocket known as Little Italy; born and raised in Little Italy. A lot of masons came to that area from Italy. Virtually no history you can find anywhere of the working people who came here. Give us a chance, give the people involved putting this together a chance and come up with a package where we can have something to fall back on. Don't be ashamed because people work with their hands. I am not ashamed. I went to school to be a teacher, but I found it more conducive working with my hands and my back—I am paying for it today—than to use my mind in a classroom. But please, give us a chance to put something forward for the people of the state. People coming into this state know what it is to be a worker, and where the money and bread and butter comes from. With that, I hope you vote green. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know that you are surprised, very surprised, that I would stand here and speak about the establishment of a labor center at a university, an institution of higher education. Why would I stand here and argue that we should have a labor center at an institution of higher education that I myself have been through, as many of you have, and I clearly know that labor's history is a story that is untold.

I come from the ranks of labor. My father was a bus driver in New York City before those folks that work for local and state and federal governments gave up their right to strike. I remember when transit workers were being mistreated by the City of New York, and they did take to the streets and strike, and they got what they rightfully deserved, a wage commensurate with the service that they provided to the City of New York. But they never would have gotten it today, because somehow they have been convinced to give up the right to strike. I know that there are people right here in this State House complex that have issues with their employer, but they are powerless to do anything about it. But they don't know their history either, because it is not taught to them in schools.

I serve on a policymaking committee. My role as a legislator is to promulgate policy. The policy that I promulgate sometimes has a cost. I don't serve on the Appropriations Committee,

however, I don't serve there, so it is my job as a legislator, promulgating policy, to think about the statements that I am making when I promulgate that policy, more than it is my role to think about the cost, because the cost I need to defer to the Appropriations Committee. If I start thinking about the Appropriations Committee and how burdened they may be, then I am going to sit in my committee and not promulgate any policy at all, and that does not make sense to me. Now, I have the utmost respect for the folks that serve on the Appropriations Committee; they have a hard task before them. But because they have a burden before them does not mean that I have to defer my burden. There is a need to teach the history of labor, not just in higher education but at all levels of education.

Historically, there was a time when this time had an institution of slavery, when this Nation was engaged in very racist practices, and it was the raising of our levels of consciousness that changes those issues. It was state legislatures that instructed universities and institutions of higher educations to implement programs that would raise our levels of consciousness. We know that there was a time in our Nation where women did not have the right to vote, and they have that, and it took decades more before we had women's studies programs at institutions of higher education. We did not have them because there was some epiphany amongst the board members at the universities. Those board members come from the general population. Their public opinions are shaped even before they are born into the society.

We have an opportunity to make a statement here as a legislative body. The Appropriations Committee may have to say that they cannot afford to do this. I would argue to them that the Governor's Training Initiative is a good place to go for money. That is money that goes to capital, and this is a capitalist economy in which we live, a capitalist economy that drives its wealth from labor. I would argue that that is a very appropriate place to go and resolve the Fiscal Note part of the problem; because it is about time we gave something to labor and not just always to capital.

So those arguments, those two arguments—the Fiscal Note; we cannot afford to do this—I say as a policy committee, as policymakers, we need to make a statement; we need to send the statement beyond this Chamber. The argument that we should not be telling boards of trustees what to teach in the institutions of higher education that we fund and that our children go to and we ourselves have gone to, is not acceptable either in light of the fact that we have had race and women's relations issues that were resolved by the statements made by legislators at state and federal levels. I am asking you to think about the statement that you have an opportunity to make. Your constituents are, by far, working people more than anything else, and speak for them here today. Thank you, Men and Women.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a 45-year veteran in academia, I cannot support this bill, and I cannot support it because I believe that the Legislature should not be meddling in the affairs of faculty and the administration of the university. Faculty can establish curricula; they can establish programs on their own. They do not need the Legislature to do that.

If there were a program established to support research or other things that cost additional monies that do not have anything to do with the curriculum, I would support that. I would also support a resolve encouraging the System to establish majors and other curricular programs in the University System, but I will not support a bill requiring the establishment of such a center in

the University of Maine System. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The University System is faced with making budget cuts. They will either have to make program cuts, or add to the tuition costs of our students. Mr. Speaker, when the vote I taken, I request a roll call vote.

Representative **EDGEComb** of Caribou **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: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This was an issue that I first was inclined to oppose, mainly because of the state's financial outlook right now, but then reflecting on some of my own life's experience, I found myself rethinking that decision. I thought back to the many times my father, who spent a lifetime working in the local paper mill, would speak to all of us about a labor movement in the lives of working people. "Unions," he said, "make the difference between poverty wages and a wage that allows working people to buy a home, send their children to college, and enjoy a bit of leisure." In other words, to be able to share in what we call today, the American Dream.

I remember that his union met monthly and that when it did, cars full of people would descend on our house, and my father and his coworkers would talk about the issues of the day, and afterwards they would share rideshare to the meeting. My father would sooner miss Sunday Mass than miss a union meeting. Thanks to the effort of his union, eventually he no longer had to work double shifts without overtime pay, he actually got paid vacation, and he finally got a raise that allowed our family to rent a camper for a week in the summertime. Well, I tell you, we were in seventh heaven.

In fact, it was a labor movement and the leaders of that movement that led to the creation of what we call today, the great middle class. History tells us a lot about people like Andrew Carnegie and Henry Ford. Their names are literally etched in the stones of institutions across our Nation, but we know very little about David Devinsky and Albert Shanker and Leonora O'Reilly and Mother Jones, people who spent a lifetime helping working people to gain a foothold in this great democracy of ours, and whose courage against great odds help improve a lot of working people everywhere.

History tells a pivotal moment in time, when an idea that had failed many times earlier finally took root when the time was right. I remember when the Civil Rights Movement happened, and when its proponents finally succeeded in transforming our culture so that black Americans can have access to the same benefits as their white brothers and sisters; and I remember the struggle of women, to gain equal rights in employment and education, and how the success of that moment finally transformed our cultural landscape, offering greater educational and economic advantages to women. It was not that others before them had not tried to affect change, but the concepts underlying those movements finally caught on because it was the right moment in time, and Americans were ready to listen.

At this critical moment in our country's history, when so many working people are struggling just to maintain home ownership, to pay for fuel oil to heat their homes, to pay for insurance costs, and to hang on to what is left of the American Dream for many of them. It would seem appropriate that we finally recognize the

contribution they make to our country. Working people have built our roads and our bridges and our buildings, and they care for our elderly, and serve us in restaurants and in Wal-Mart and in Hannaford's. Recognizing the contribution of the working people of today and yesterday and throughout history, that sacrificed so much to improve a lot of people like my father, is long overdue, and a labor center, I think, is an idea that is long overdue. On behalf of my father and millions of others like him who helped make America what it is, I ask that you support this bill.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a young teacher in an urban school, I was a union member, and in the second year of my life as a teacher, it took a union helping me with union fees to prevent a school committee from firing me, after I had probably unwisely made some public statements about that school committee. However, I am a union person, and I believe that unions have been given short shrift in our public airways and in our universities over time, and that should be readdressed, but my view is that this bill is not the way to do that.

My view is that despite all of the emotion around this, this bill represents an inappropriate way for the Legislature to try to influence what goes on in our universities, and we ought to let that process go on and try to influence it in whatever way we can, but I am with the good Representatives from Cumberland and from Lewiston, who have said it is an inappropriate use of legislative power to try to dictate what should be done with this curriculum or any other curriculum within the University System. For that reason, though emotionally I am with those who are for the labor movement and want more and more information to be out there about it, more and more learning to be out there about it, I think this is an inappropriate way to do it, and I am going to be voting against this and urge you to do so as well.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in strong support for this measure. I do not have quite as many years in academia as my esteemed colleague does; I have about 20 years in higher education. However, I am on the Education Committee and I would like to stress that while on the Education Committee during the discussion of this, we did talk with the people from the University of Maine System. They were comfortable with this concept, and they do have faculty that are ready and able to teach courses of this type. I believe that the time has come for the establishment of a labor center within the University of Maine System, and with all due respect to others who may differ, I do encourage your support of this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that this is actually a good vehicle to provide kind of a seamless transition for folks who currently might be going to the Community College System, I believe, in Auburn and Central Maine Technical College. There has been, over the years, an occupational safety and health program there. People obtain an associate in applied science through that program; however, I always remember that in order for folks who went through that program, most of them, if they wanted to continue in labor studies or occupational health and safety, actually had to go out of state. I know a lot of them went to Lowell, Massachusetts, because that was the closest university or college that seemed to provide a transition and to be able to utilize their associate's degree to work towards their

bachelor's degree.

Offering this type of curriculum in Maine certainly seems to provide an enhancement, which already there is being investment provided within the labor educational system, within the occupational health and safety program that is currently being provided, so I look at this from that perspective. I think it does create a greater opportunity for folks who are involved in labor occupational health and safety education in Maine already. Thank you, Mr. Speaker.

On motion of Representative TUTTLE of Sanford, **TABLED** pending the motion of Representative NORTON of Bangor to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

On motion of Representative PATRICK of Rumford, the House **RECONSIDERED** its action whereby Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District" (EMERGENCY)

(S.P. 864) (L.D. 2234)

Was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This got by me; I did not get a chance to figure out whether this actually did go to Legal and Veterans Affairs Committee for referencing. It may not belong, and I do not want to create another problem where we have to have a Joint Order in order to do it, so Mr. Speaker, I would table this until later in today's session.

On further motion of the same Representative, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

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 Tuesday, February 26, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**JOINT RESOLUTION EXPRESSING SUPPORT FOR THE HUMAN RIGHTS TORCH RELAY**

(H.P. 1592)

**TABLED** - February 26, 2008 (Till Later Today) by Representative **BURNS** of Berwick.

**PENDING - ADOPTION.**

Representative **CROSTHWAITE** of Ellsworth **REQUESTED** a roll call on **ADOPTION**.

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

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

**ROLL CALL NO. 219**

**YEA** - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Flood, Gerzofsky, Giles, Greeley, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jones,

Kaenrath, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Fitts, Gifford, Hamper, Jacobsen, Johnson, Joy, Lewin, Marean, McFadden, McKane, McLeod, Millett, Plummer, Richardson D, Richardson W, Robinson, Sarty, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan.

**ABSENT** - Ayotte, Berube, Emery, Fischer, Gould, Grose, Hogan, Knight, Koffman, Lansley, McDonough, Moore, Percy, Pineau, Tardy, Walker.

Yes, 102; No, 33; Absent, 16; Excused, 0.

102 having voted in the affirmative and 33 voted in the negative, with 16 being absent, and accordingly the Joint Resolution was **ADOPTED** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns who wishes to address the House on the record.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. On February 26 of this year, I stood here in this place and spoke on the bill referred to as the OSHA 10 bill; however, when the vote was tallied, mine was not counted. Now I know I pushed my button—I know I pushed my button—because I saw my colleagues to my left and my right with red lights and mine was the only green one here, but for some reason it did not register up there, and I really cannot see that far, so I would like to be recorded as a yea vote in favor of the OSHA 10 bill.

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

On motion of Representative **ADAMS** of Portland, the House adjourned at 12:56 p.m., until 10:00 a.m., Tuesday, March 4, 2008 pursuant to the Joint Order (S.P. 865).