

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
24th Legislative Day
Wednesday, March 12, 2008

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

Prayer by Rabbi Hillel Katzir, Temple Shalom, Auburn.

National Anthem by Wiscasset High School Band and Chorus.

Pledge of Allegiance.

The Journal of Monday, March 10, 2008 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

(S.P. 741) (L.D. 1932)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY HOUSE AMENDMENTS "E" (H-717) AND "F" (H-718) thereto AND HOUSE AMENDMENT "E" (H-719) in the House on March 6, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419) thereto AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430) and ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative PINGREE of North Haven, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

COMMUNICATIONS

The Following Communication: (H.C. 471)

STATE OF MAINE

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

March 7, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2043 An Act To Protect Student Athletes

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

Sincerely,

S/Sen. Peter B. Bowman

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 472)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 7, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2203 An Act To Ensure Adequate Funding for Conservation Districts

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

Sincerely,

S/Sen. Bruce Bryant

Senate Chair

S/Rep. Troy D. Jackson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 473)

STATE OF MAINE

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

March 7, 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. 2207 An Act To Diminish Global Warming

L.D. 2210 An Act To Promote the Use of Safer Chemicals in Consumer Products

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

Sincerely,

S/Sen. John L. Martin

Senate Chair

S/Rep. Theodore S. Koffman

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 474)

STATE OF MAINE

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

March 7, 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 bills out "Ought Not to Pass":

L.D. 2096 An Act Regarding International Trade Agreements

L.D. 2201 An Act To Require a Municipality To Move a Body Buried in the Wrong Grave (EMERGENCY)

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 475)

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

March 7, 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. 2074 An Act To Reestablish Fairness in Corporate Taxation by Taxing Real Estate Investment Trusts (EMERGENCY)

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.

The Following Communication: (H.C. 476)

**UNIVERSITY OF SOUTHERN MAINE
CENTER FOR EDUCATION POLICY,
APPLIED RESEARCH & EVALUATION
37 COLLEGE AVENUE
GORHAM, ME 04038**

March 7, 2008

Honorable Glenn Cummings

Room 303, State House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings,

The Maine State Legislature requested the Maine Education Policy Research Institute, University of Southern Maine Office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled *The Condition of K-12 Public Education in Maine 2008*.

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

Sincerely,

S/David L. Silvernail

Director

S/Sharon Gerrish

Project Assistant

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.P. 875)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 6, 2008

Sen. Bruce S. Bryant

Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife

Rep. Troy Dale Jackson

House Chair, Joint Standing Committee on Inland Fisheries and Wildlife

123rd Legislature

Augusta, ME 04333

Dear Senator Bryant and Representative Jackson:

Please be advised that Governor John E. Baldacci has nominated Leo Kieffer of Caribou for reappointment and Cathy DeMerchant of Vassalboro for appointment to the Inland Fisheries & Wildlife Advisory Council.

Pursuant to Title 12 M.R.S.A. §10151 (1), these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

READ and REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

The Following Communication: (S.P. 876)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 6, 2008

Sen. Peter B. Bowman

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Jacqueline R. Norton

House Chair, Joint Standing Committee on Education and Cultural Affairs

123rd Legislature

Augusta, ME 04333

Dear Senator Bowman and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Maritime Academy, Board of Trustees:

Robert Walker of Marco Island, Florida for reappointment

Robert Somerville of Spring, Texas for appointment

Marian Morgan of Cape Elizabeth for appointment

William Walsh of North Hampton, New Hampshire for appointment

Pursuant to Public Law 1975, Chapter 771 §428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

The Following Communication: (S.P. 877)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 6, 2008

Sen. Peter B. Bowman
Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs

123rd Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Norton:
Please be advised that Governor John E. Baldacci has nominated George Isaacson of Brunswick for appointment to the Maine Public Broadcasting System Board of Trustees.

Pursuant to Public Law 1997, Chapter 599, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

The Following Communication: (S.P. 878)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. Lisa T. Marraché
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs

Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans Affairs

123rd Legislature
Augusta, ME 04333

Dear Senator Marraché and Representative Patrick:
Please be advised that Governor John E. Baldacci has nominated James Dearman of Orono for reappointment to the State Liquor and Lottery Commission.

Pursuant to Title 5 M.R.S.A. §283-A, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,
S/Beth Edmonds

President of the Senate
S/Glenn Cummings
Speaker of the House

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

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

The Following Communication: (S.P. 879)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. Lisa T. Marraché
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs

Rep. John L. Patrick
House Chair, Joint Standing Committee on Legal and Veterans Affairs

123rd Legislature
Augusta, ME 04333

Dear Senator Marraché and Representative Patrick:
Please be advised that Governor John E. Baldacci has nominated the following to the Gambling Control Board:

George W. McHale of Orrington for reappointment
Peter W. Danton of Saco for reappointment
Richard Arnold of Belgrade for appointment
Pursuant to Title 8 M.R.S.A. §1002, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

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

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

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

The Following Communication: (S.P. 880)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development

Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development

123rd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated the following to the Washington County Development Authority:

Elmer Harmon of Dennysville for reappointment
Janet Toth of Jonesboro for reappointment
Shirley Erickson of Machiasport for reappointment
Brent Hartford of Milbridge for appointment
Barbara Drisko of Columbia Falls for appointment
Harold Prescott, Sr. of East Machias for appointment

Pursuant to Title 5 M.R.S.A. §13083-C, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

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

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

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 881)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
123rd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Sheryl Gregory of Litchfield for reappointment and Nikki McLean of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

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

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

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 882)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
123rd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Jeff Thaler of Yarmouth for reappointment and Ray B.

Owen of Orono for appointment to the Land For Maine's Future Board.

Pursuant to Title 5 M.R.S.A. §6204, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

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

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

The Following Communication: (S.P. 883)

STATE OF MAINE
123RD MAINE LEGISLATURE

March 7, 2008

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
123rd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Milk Commission:

Colon E. Durrell of Farmington for reappointment
John M. Joseph, Jr. of Hallowell for reappointment
Richard A. Cook of Hermon for appointment
Pursuant to Title 7 M.R.S.A. §2952, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

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

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

The Following Communication: (S.C. 665)

MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY

March 10, 2008

Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Natural Resources, the nomination of Charles F. Beck of Presque Isle for reappointment to the Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Natural Resources, the nomination of Thomas A. Urquhart of Falmouth for appointment to the Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Heather Collins of Orrs Island for appointment to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Honorable John G. Richardson of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Beth A. Nagusky of Litchfield for appointment to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Gary L. Brown of Topsham for appointment to the Midcoast Regional Redevelopment Authority.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier"

(H.P. 1618) (L.D. 2256)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BRAUTIGAM of Falmouth, CLEARY of Houlton, HARLOW of Portland, HASKELL of Portland, MARLEY of Portland, MAZUREK of Rockland, RECTOR of Thomaston, Senator: DAMON of Hancock.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Deering High School Girls Varsity Basketball Team, of Portland, who have won the 2008 Class A State Championship: Britni Mikulanecz, Jessica Ruhlin, Diana Manduca, Maria Apon, Porscha Lewis, Anna Apon, Nicole Garland, Heather Dadiogo, Jordan Cuddy, Kristal Saavedra, Maria Salamone, Stefanie Saavedra, Casey Everest, Kayla Burchill and Claire Ramonas. The Head Coach is Mike D'Andrea and the Athletic Director is Brendan Conway. We extend our

congratulations and best wishes to the members of the Deering High School Girls Varsity Basketball Team on their achievement; (HLS 1080)

Presented by Representative HASKELL of Portland.

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

On **OBJECTION** of Representative BRAUTIGAM of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Every high school athlete's dream is to win a state championship, and the epitome of that dream is to do it as a team. These girls and their coaches have made that dream come true through hard work, long hours of practice, skill, dedication, and teamsmanship. They are a credit to themselves, the community of Portland, and the state. On behalf of my constituents, I am proud to extend to my congratulations to the Girls Varsity High School Basketball Championship Team from Deering High School, to Coach D'Andrea and to the Athletic Director is Brendan Conway. Thank you.

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

In Memory of:

Colonel Allan Weeks, of Wiscasset, Chief of the Maine State Police for 11 years. Having served in the United States Navy during World War II, he joined the state police in 1950 and served as a state police officer for 37 years, primarily in Troop D in Thomaston as a trooper, sergeant and lieutenant. Deputy Chief from 1974 to 1976, Colonel Weeks was appointed Chief in 1976. From 1976 to 1979, he also served as Commissioner of Public Safety. He dedicated his life to the state police and was a decisive, no-nonsense administrator who earned the deep loyalty and respect of the hundreds of troopers who served under him. During his years as Colonel, he established the State Police tactical team, the canine program, the hostage negotiator team, the dive team, the internal affairs unit and the crime laboratory. He set the highest standard for the state police and embodied their core values of integrity, fairness, compassion and excellence. We extend our condolences to his wife, Jen, and their son. We acknowledge his dedication to the State and the nation. He will be greatly missed by his loving family, his fellow law enforcement officers and his many friends;

(HLS 1087)

Presented by Representative RINES of Wiscasset.

Cosponsored by Senator DOW of Lincoln, Representative TIBBETTS of Columbia, Representative MacDONALD of Boothbay, Representative MCKANE of Newcastle, Representative MILLER of Somerville, Representative PIEH of Bremen, Senator BENOIT of Sagadahoc.

On **OBJECTION** of Representative TIBBETTS of Columbia, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with mixed

emotions that I stand here today as a retired Trooper and give my condolences to the family, but also on a man that I greatly admired. I have very few true heroes, I can count them on one hand, and Colonel Weeks was one of those heroes. He dedicated his life to the protection of the property and welfare of the State of Maine, and he truly was a trooper's Trooper.

I would like to tell you a story: In the late 70's, I was based in eastern Washington County, and it was after midnight—it was like 1:30 or 2 o'clock in the morning—and I received a call from Orono Barracks that there was a small group of bikers, it was not more of a fight gang, but I think it was more of a wannabe group, but it always brought concern whenever we got a call at that time in the morning and we usually called for backup to go with us if it was available. I was pretty fortunate, I always had backup. I had a relatively small patrol of about 800 square miles, so I was pretty well set.

But as I had my conversation with Orono on the radio, I heard "Unit 1 to Unit 512." I am thinking that with the radios we have now, he is close. Unit 1 was the Colonel of the Maine State Police, it was Allan Weeks and my first thought was, Judas Priest, what the heck is Bullet doing down here now—that is kind of a pet name the troopers had for the Colonel. He advised me that he would meet me at the Mobil in Pembroke, and I met him at the Mobil in Pembroke having no idea he was even in my patrol area, and he got into my cruiser and we proceeded to the scene of the bike gang. As we are getting there, I am thinking "Judas Priest, I really should call for backup but I have the Colonel with me, and he truly believes that if we have one riot of one bike gang, all you need is one trooper," and there were two of us so I really did not know what to do.

Again, like I said, I was a young trooper, maybe about five or six years on and we got to the scene of the incident, of the loud party, and I went to the known president of the bike gang and started talking to him about quieting the party down. Immediately, the Colonel came over and spoke to the gentleman and called him Clyde, I did not know he realized his name but he said, "Look, Clyde, party's over. If we get a call back, you are all going to jail." Well, we left and as we got out on the roadway, on to the main roadway, I said to the Colonel: "Colonel, what are we going to do if we get a call back?" He said, "We are going to arrest him." That is the kind of man he was.

This was a gentleman that had, at that time, nearly 30 years on the State Police. He was a no nonsense Colonel, a no nonsense Commissioner and the State of Maine owes a deep thanks to Colonel Allan Weeks. I, for one, was very proud to be part of a lead organization that worked for Colonel Allan Weeks, and he will always be one of my heroes. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had the privilege of knowing Colonel Weeks through some personal and professional associations, and as Commissioner of Public Safety, we dealt with some legislative matters, and I enjoyed always joining him for dinner at the law enforcement meeting we always had, and working with him on a few homicides in the past.

His temperament and ability to articulate with authority are things that I will always remember. He was a very strong advocate for law enforcement, but not in a sort of knee-jerk way. He had strength through authority and with a sense of humanity, and a disarming intelligence. His troops respected him because he was a gentle man, because he was intelligent and articulate, and I will never forget the sound of his voice that was so soft, yet always discreet and intelligent. He never barked an order; he

always led with civility, with courtesy and with courage. He was role model for his troops and community, for his state.

On the wall of my father's house, there was a Norman Rockwell poster showing an older man with strong muscles, holding a small bird, and the saying under the picture was: "There is nothing as gentle as true strength, nothing as strong as true gentleness." That is how I will always remember Colonel Weeks, a true gentle man in every sense of the word.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Your mother is always right. Growing up, she said, "You ought to get to know Allan Weeks," because Allan graduated from Wiscasset High School a few years before my mother, but she knew him very well, and she always admired him and his ability to do his job and to be a member of the community. She said, "Peter, get to know Allan Weeks."

Fortunately, I never knew him as state trooper. I never was pulled over by him and I never had any run-ins with him, but I did know him on a personal level and he was the type of individual who always had time to stop and say hello; to have a brief conversation, even if it was just about the weather.

The last time I saw Allan, he and his wife were at the ice cream store in Dresden; it was a warm summer evening; they parked, sitting in the car with the air conditioner going, having a good chat. I walked up and they both got out of the car, we had our ice cream and we had a nice chat, and we went on our way. Those are the types of people that will leave marks on you forever and Allan is one of them, and he will be missed in our community greatly. Thank you, Mr. Speaker.

At this point, the Members of the House stood and joined in a moment of silence in honor of Colonel Allan Weeks, of Wiscasset.

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

ORDERS

On motion of Representative ROSEN of Bucksport, the following Joint Resolution: (H.P. 1617) (Cosponsored by Senator ROSEN of Hancock and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BERUBE of Lisbon, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CAREY of Lewiston, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Augusta, CROTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, CURTIS of Madison, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, DUPREY of Hampden, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FINLEY

of Skowhegan, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GREELEY of Levant, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, JACOBSEN of Waterboro, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MIRAMANT of Camden, MOORE of Standish, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, SAMSON of Auburn, SARTY of Denmark, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TIBBETTS of Columbia, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALKER of Lincolnville, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BENOIT of Sagadahoc, BOWMAN of York, BRANNIGAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, McCORMICK of Kennebec, MILLS of Somerset, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo)

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 12, 2008 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; and

WHEREAS, each year there is a day designated internationally as a Day of Remembrance of the Victims of the Holocaust that is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27 to May 4, 2008 as the Days of Remembrance of the Victims of the Holocaust, with "Do Not Stand Silent: Remembering Kristallnacht 1938" as the focus for the 2008 observance; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

READ.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today, ordinary Maine citizens have stepped forward to share their extraordinary life stories with you and me. They proved by their presence here today that hope and freedom will overcome hate and misery. They are here today to bear witness as survivors. They are here today to make sure that we never forget.

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

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1574) (L.D. 2205) Bill "An Act To Further Clarify Worker Payments for Clothing and Equipment" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1372) (L.D. 1938) Bill "An Act To Allow Community Service in Lieu of Fines" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)**

(H.P. 1405) (L.D. 2021) Bill "An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-731)**

(H.P. 1469) (L.D. 2083) Resolve, To Expand Access to Foreign Language Instruction in Maine Schools (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)**

(H.P. 1496) (L.D. 2110) Bill "An Act To Amend the Election Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-737)**

(H.P. 1510) (L.D. 2131) Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-734)**

(H.P. 1550) (L.D. 2180) Bill "An Act To Ensure the Integrity of Prepaid Calling Accounts" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-744)**

(H.P. 1600) (L.D. 2240) Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)**

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

(H.P. 1456) (L.D. 2072) Bill "An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-743)**

On motion of Representative PINGREE of North Haven, was **REMOVED** from the First 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.

**CONSENT CALENDAR
Second Day**

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

(S.P. 735) (L.D. 1930) Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands (C. "A" S-441)

(S.P. 786) (L.D. 1992) Bill "An Act To Amend the Laws Governing Agricultural Marketing and Bargaining" (C. "A" S-442)

(H.P. 1543) (L.D. 2168) Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

(H.P. 1589) (L.D. 2223) Bill "An Act To Expand the Natural Resources Protection Act Compensation Program"

(H.P. 1397) (L.D. 2013) Bill "An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws" (C. "A" H-720)

(H.P. 1514) (L.D. 2132) Bill "An Act To Amend the Family Medical Leave Laws To Include Siblings" (C. "A" H-725)

(H.P. 1533) (L.D. 2158) Resolve, Regarding Legislative Review of Portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY) (C. "A" H-724)

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

(H.P. 1423) (L.D. 2039) Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry (C. "A" H-723)

On motion of Representative GERZOSKY of Brunswick, 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.

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

Bill "An Act To Amend the Provisions for All-terrain Vehicles" (S.P. 773) (L.D. 1979) (C. "A" S-443)

House as Amended

Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)

(H.P. 1310) (L.D. 1878) (C. "B" H-684)

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

**ENACTORS
Emergency Measure**

Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims

(S.P. 660) (L.D. 1843) (C. "A" S-435)

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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

(S.P. 535) (L.D. 1512) (C. "B" S-433)

An Act To Give Municipalities Control of Mussels Located in Intertidal Zones

(S.P. 800) (L.D. 2006) (C. "A" S-434)

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

Resolves

Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State

(H.P. 1519) (L.D. 2139)
(C. "A" H-698)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Monday, March 10, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-436) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Amend the Informed Growth Act"

(S.P. 756) (L.D. 1962)

- In Senate, Reports **READ** and the Bill **SUBSTITUTED** for the Reports and **PASSED TO BE ENGROSSED**.

TABLED - March 10, 2008 (Till Later Today) by Representative **BARSTOW** of Gorham.

PENDING - ACCEPTANCE of the Majority **OUGHT NOT TO PASS** Report.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative **CROCKETT**.

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are several reasons why I ask you to vote against the pending motion, the motion Ought Not to Pass, so we can go on and vote for the original bill. Please remember it is only an amendment that we feel will improve the bill that was passed last year—it is not a repeal of the Informed Growth Bill.

I think we all know how difficult it is to create a one-size fits all bill with any legislation. Right now, we are working to relieve some of those problems of a one-size fits all that we enacted last year on school consolidation. The first of this session, we came back and made adjustments to the Predatory Lending legislation we enacted last session. Each year, we make adjustments to legislation we enacted during the prior session. That is all this bill does: It makes adjustments to a bill we passed last session.

The purpose of this bill is to allow a municipality to opt out and waive the provisions of the Informed Growth Act in towns and cities where both the local legislative bodies and the public, at referendum, decide that the provisions of the Act are not necessary for their communities. The residents of many towns lacking sophisticated planning processes and experience with large-scale retail development may want the impact study, but I believe that many of our service center communities feel quite comfortable that they already have the planning process in place to manage large-scale retail development. They fully understand the impact and do not need the study. I feel the Legislature should respect the right to self-determination in municipalities.

Under the bill, a community may waive the provision of the Informed Growth Act only if that is the will of the local voters. First, the local legislative body, being the Town Meeting, or the Town or City Council, must vote to support the waiver. That vote then must be confirmed by the citizens at a referendum vote. Municipalities that understand the economic impact of large-scale development and have the necessary planning tools in place will be able to waive, what for their town, is an unnecessary regulatory burden. Those municipalities that believe the impact study will be helpful to them will continue to have the benefit of the Act.

I have an experienced retail shopping space developer who lives in my district. I have known him for many years, and have a great deal of respect for his judgment. He tells me that since we passed the Informed Growth Act, when he attended out of state meetings of developers, the conversation among developers is they are watching to see what happens in Maine. According to the experts, the Maine market is limited because of population density. The perception the informed growth process instills in prospective developers is that there exists an additional roadblock to attracting businesses to Maine. Reality or perception, I feel our economy is such that we need to do all we can to help attract businesses to Maine. The Informed Growth Act, as it is, does not help—we need to amend it.

Before being elected to the Maine House of Representatives, I was involved as a consultant in the Augusta Crossing, a development that came to Augusta, the home of Lowe's. I observed how efficiently the city officials and planning agencies handled the details, including a public referendum. Before the project could finally be brought to a successful conclusion, the developer of the project heard at a public meeting that there were a number of autistic children in a school not far from the exit of the project. The developer paid to have a noise impact study done. After the study showed that there was very little impact of noise, the developer, on his own, not by any rules or laws that the state had passed, or city rules, gave the school a large sum of money to use for a noise barrier fence. The school can use the money any way they want and, to date, they have not found it necessary to use for a fence.

I learned that municipalities like Augusta are capable of deciding for themselves what they want for their communities, and to safeguard the public interest in the entire process. I believe that an opt-out clause, with a public referendum rider, which this bill provides to the Informed Growth Act, is logical and necessary. Any city or town must be allowed to make their own choice to exercise local control, and to have the right to decide for themselves if a development project is desirable and acceptable to them.

To sum up, this bill provides choice: Choice of local control; the right to referendum; consumer's rights; property tax revenue enhancement, if the citizens so decide. This bill is simply allowing voters in any town to choose. Please vote Ought Not to Pass on the pending motion. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Majority Ought Not to Pass Report.

As you know, I am an advocate of local control. I represent a small service center, but I am very aware that all service centers, no matter how large, how sophisticated, can be helped by the Informed Growth Act. The results of any impact studies that come out of this Act can only help in the decision-making process, when it comes to determining whether a development is a positive or a negative thing. It is, in a sense, not a one-size fits

all in that all of the impact studies that would be made are done in reference to the specific community, so the governing body will ultimately have an opportunity to look at the results, both the positive and negative outcomes, and make a decision. I think as the Informed Growth Act stands right now, it serves the purpose, it will serve the purpose, and I think we should let it take its course so please vote to support the Majority Report. Thank you.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion that is currently on the floor. My opinion is that the Informed Growth Act has not yet been tested, that this bill is a premature fix. We do not yet know whether the Act is actually an obstacle to development. There is, in fact, currently, exemption language in the Informed Growth Act, and I would submit that Augusta is probably eligible for the exemption.

Last year, when a compromise was negotiated to come up with the end product that was the Informed Growth Act, I feel that the business community and municipal planners probably did not play a significant a role in the stakeholders group as they could have. I would rather take the time and use a more conservative approach to looking at what we might add to exemptions, and how we might further define an exemption. Once we have all of those stakeholders in place, I think we will once again end up with a good product, and one that will take into consideration both the development community and those folks who would like to make sure that their community's character is preserved.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my understand, if I remember correctly looking at my calendar, that the Informed Growth Act has been in effect all of five months, and knowing the planning processes of many of the communities that we represent, this, frankly, has not been test to see whether or not this new law is truly working or in some cases a hindrance. I wanted to debunk the myth of local control and this being inhibitive to that. As a matter fact, this actually enhances local control by providing information and hard data concerning economic and environmental impacts that a development may or may not cause in a community. This can be beneficial to a developer for a proposed development, as much as it can be to citizens working at the grassroots level in opposition to a proposed project. Rather than dealing with rhetoric, you now will have state law backing up planning boards and land use governance, to ensure that information that is being disseminated is true information.

Representative Beaudette, my good friend from Biddeford, mentioned the exemption, and I think that he is correct with regard to Augusta and many of the other communities in the state that could be recognized as services centers, that they already have the tools and could be exempt from this Act and be able to consider those points.

Finally, I want to reiterate and I feel like it is déjà vu debating this again in less than a year of when we enacted this bill, that the reason that this was endorsed by our committee, and why the Legislature and the Chief Executive endorsed the Informed Growth Act, was because of the balance it struck. It did not weigh on the side of the developers, it did not weigh on the side

of special interests and communities; it struck a balance between quality of place and having a solid economic development plan, while also factoring in the local control that is near and dear to us and our citizens that we represent. I would encourage you to support the Ought Not to Pass motion and the majority of the Committee, and allow the Informed Growth Act the time to develop and assist our communities. Thank you, Mr. Speaker.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative BARSTOW of Gorham to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)** on Bill "An Act To Allow Certain Assistance to Bear Hunters"

(H.P. 1475) (L.D. 2089)

Signed:

Senators:

BRYANT of Oxford
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico

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

Signed:

Representatives:

McLEOD of Lee
SARTY of Denmark

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-740)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 13, 2008.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)** on Bill "An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age"

(H.P. 1509) (L.D. 2130)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
WEDDELL of Frankfort

BRYANT of Windham
CAREY of Lewiston
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield

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

Signed:

Representatives:

NASS of Acton

PINKHAM of Lexington Township

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-738)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 13, 2008.

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

On motion of Representative RINES of Wiscasset, the House adjourned at 10:34 a.m., until 9:00 a.m., Thursday, March 13, 2008 in honor and lasting tribute to Colonel Allan Weeks, of Wiscasset.