

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
25th Legislative Day
Thursday, March 13, 2008

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

Prayer by Pastor William Humphrey, St. Mark's United Methodist Church, Kittery.

National Anthem by Leslie Reed, Lewiston.

Pledge of Allegiance.

Doctor of the day, Carol Saunders, M.D., Manchester.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 477)

STATE OF MAINE

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

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

- L.D. 2054 An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs (EMERGENCY)
- L.D. 2064 An Act To Amend the Provisions of the Homeless Youth Program
- L.D. 2086 Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions

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

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 478)

STATE OF MAINE

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

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

L.D. 2214 Resolve, To Provide Temporary Weight Limits for Trucks Carrying Forest Products (EMERGENCY)

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Speaker CUMMINGS of Portland, the following Joint Resolution: (H.P. 1620) (Cosponsored by President EDMONDS of Cumberland and Representatives: PINGREE of North Haven, TARDY of Newport, Senators: MITCHELL of Kennebec, WESTON of Waldo)

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are locally owned and governed financial cooperatives dedicated and committed to serving the needs of their members. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are devoted to the more than 600,000 Maine consumers who use credit unions; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high performance and satisfaction that consumers assign to Maine's credit unions. Since 1983, credit unions have ranked first in consumer satisfaction out of all financial institutions. With lower and fewer fees and an unmatched level of member service, Maine's credit unions are prominent in the State's financial services industry and continue to grow; and

WHEREAS, last year Maine ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 6 consecutive years. Nearly one in every 2 Maine residents uses a credit union; and

WHEREAS, the 1,950 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of Maine people helping Maine people by contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised millions of dollars to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. Because of the commitment of Maine's credit unions to the cause of ending hunger in Maine, the State is recognized nationally for its leadership role in raising awareness of, funds for and solutions to the problem of hunger not only in Maine but in a growing number of other states as well; and

WHEREAS, in addition to working to end hunger, Maine's credit unions also provide hundreds of thousands of dollars to

positively affect the lives of Maine people. The lives of Maine's citizens are positively affected every day because of the efforts of Maine's credit unions, which voluntarily contribute time and financial resources to organizations and agencies in their own communities, such as the Red Cross and the Special Olympics; and

WHEREAS, since 1921, Maine's credit unions have been a source of economic stability and assistance in helping thousands of people in communities across Maine realize financial success. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 85 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 69 affiliated credit unions.

READ and ADOPTED.

Sent for concurrence.

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

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 40)

ORDERED, that Representative Sheryl J. Briggs of Mexico be excused March 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy A. Carter of Bethel be excused March 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jill M. Conover of Oakland be excused February 25 and 26 and March 4 and 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused March 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused February 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bonnie S. Gould of South Berwick be excused February 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Jacobsen of Waterboro be excused March 4, 5, 6 and 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative L. Gary Knight of Livermore Falls be excused February 25, 26 and 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John F. McDonough of Scarborough be excused February 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joan M. Nass of Acton be excused March 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Ann E. Peoples of Westbrook be excused March 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wright H. Pinkham, Sr. of Lexington Township be excused March 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joshua A. Tardy of Newport be excused February 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert P. Walker of Lincolnville be excused February 26 and 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David C. Webster of Freeport be excused February 12 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Weddell of Frankfort be excused March 5 and 6 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dave Gonyea, of Auburn, who has been named Coach of the Year by the Yankee Small College Conference. Mr. Gonyea has coached the men's basketball team at Central Maine Community College for 14 years. He led the team to the conference final this past season. Mr. Gonyea serves as the Director of Athletics, Housing and Residential Life at CMCC. Under his leadership, the team has won 8 state titles, 2 regional crowns and one national championship. Mr. Gonyea also serves as President of the USCAA Board of Directors. We extend our congratulations to Mr. Gonyea on his receiving this honor;

(HLS 1099)

Presented by Representative MAKAS of Lewiston. Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative SIMPSON of Auburn, Representative SAMSON of Auburn, Representative WAGNER of Lewiston, Representative CRAVEN of Lewiston, Representative CAREY of Lewiston, Representative BERUBE of Lisbon, Senator ROTUNDO of Androscoggin.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It was my great pleasure last semester to meet Coach Gonyea when I was teaching a sports psychology course for USM at Lewiston-Auburn College. I wanted someone to talk to my class about teamwork from a coach's perspective. Dave was a fortunate choice on my part. I knew he was a good coach of a good local team; I soon found out what a truly great coach he is.

Some of you know that I did my graduate work at George Washington University, but most of you probably do not know that one of my two primary jobs during my many years in graduate school was a tutor for the men and women on GW's basketball teams, so even though I cannot score a basket from a stepladder, I do know what makes a coach great, and Coach Gonyea is a great coach.

Not only did Coach Gonyea talk to my students in the classroom, he also invited all of us to a game between his team

and their biggest rival, New Hampshire Technical Institute, and he gave my students the opportunity to talk to his entire team right after the game. The game turned out to be a heartbreaking loss by a couple of points to their biggest rival. Any team can demonstrate success after a win, but it takes a truly great team to demonstrate success after such a loss, and I attribute that team spirit to Coach Gonyea. His team may not have won that particular game, but because of the lessons learned from their coach, those young men are winners all of the time, so I was not at all surprised to learn that Coach Gonyea was named Coach of the Year by the Yankee Small College Conference. I am just surprised it took them so long to discover what a great coach he is so, thank you, Coach Gonyea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak to this sentiment, not about Dave Gonyea as a coach of the basketball team, as much as what he has done since he came to Central Maine Community College.

Upon arrival, he started a program of summer camps at the Community College, so that young children throughout the Lewiston-Auburn area would have an opportunity to step on to a campus and to interact with people there, and think about their own future starting at a very young age. They provide transportation and a whole range of camps, not just sports camps, but nature and trips to the beach, and he brought a true integration of the Community College with the community and, for that, I think he is a great coach, not just a fabulous sports coach, but a coach for the children of our communities. It is a pleasure to speak in his honor. Thank you.

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

In Memory of:

Robert W. Scammon, of Scarborough, a longtime art teacher for the Scarborough School Department. Mr. Scammon also was involved with the Scarborough 350th Anniversary Committee, serving on its logo committee. He will be greatly missed by his family and friends;

(HLS 1096)

Presented by Representative McDONOUGH of Scarborough. Cosponsored by Senator BROMLEY of Cumberland, Senator BARTLETT of Cumberland, Representative PENDLETON of Scarborough.

On **OBJECTION** of Representative PENDLETON of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say a few things about Robert Scammon, who was a longtime constituent of mine.

Mr. Scammon was a very modest man. He, not too long ago, received the Purple Heart, one that he had earned many, many years ago but, as you know, sometimes those things do not travel to you until later on in life, so I called Mr. Scammon and I asked him if I could do a special sentiment, and I wanted to honor him and make sure that everyone knew of his accomplishment, and he said to me: "Now, Peggy, dear, I do not want anyone to recognize anything." He said, "You can come over and visit me, and you can look at my Purple Heart, but you are not to honor me

in any way." I am sure Mr. Scammon is probably rolling over in his grave right now because I am talking about him in front of all of you, but even though he was a modest man, he had many, many accomplishments besides that Purple Heart.

He served many, many students, including my own children, in the Scarborough School System. He was an accomplished artist and no one realized it until he painted a beautiful portrait on the wall of the Scarborough gymnasium. For many years, he taught art for the Scarborough School System and he not only taught art, but he taught students how to be good citizens, how to live in a community, and how to devote time, energy and commitment to their community. I just want everyone to know what a wonderful man Mr. Scammon was, and that we are very sorry for his family. He will be greatly missed by all of Scarborough, as well as his family and friends. Thank you for the opportunity to remember him.

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

In Memory of:

Vernon Walter Paulsen, a lifetime resident of Scarborough. Mr. Paulsen had the distinction of being the first Eagle Scout from Scarborough, attaining that high rank in 1935 in Boy Scout Troop #39. He was the first charter member of the first rescue unit for the State of Maine and built the first 3 rescue unit vehicles. Mr. Paulsen had served on the Scarborough Fire Department since the age of 14, and he was the Clerk of the Works for the fire station at Dunstan Corner. He served on the Scarborough Board of Education for 14 years. We acknowledge Mr. Paulsen's dedicated service to his community and to the State of Maine. He will be greatly missed and long remembered by his family and friends;

(HLS 1097)

Presented by Representative McDONOUGH of Scarborough. Cosponsored by Senator BROMLEY of Cumberland, Senator BARTLETT of Cumberland, Representative PENDLETON of Scarborough.

On **OBJECTION** of Representative MCDONOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is a great pleasure of mine to be able to stand here before you this morning and recognize Vernon Paulsen.

Vern was a longtime friend of mine; I used have lunch quite frequently with he and his son, Neal. Vern, as the Clerk read, is an icon in Scarborough. He was 88 years old when he passed; he could be seen every day at the firehouse at Dunstan Corner. He was involved in everything: He had the restaurant in my district; he had a workshop there, and he used to conduct council business and everything downstairs in that workshop.

At times, Vern could be very feisty, as many of us from Scarborough can be at times, but usually he was right on the money when he was talking about local issues, state issues, and I know that he is going to be terribly missed by the folks at the fire service, because he grew up with that department, he made so many contributions to it, and he just knew the Town of Scarborough. It is my pleasure to be able to say that Vern will be missed by all of the citizens of Scarborough, and certainly by his family. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Refer to the Committee on Business, Research and Economic Development Pursuant to Resolve

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Establish a Uniform Building and Energy Code" (H.P. 1619) (L.D. 2257)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to Resolve 2007, chapter 46.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Require Boating Safety Education" (EMERGENCY) (H.P. 1451) (L.D. 2067)

Signed:

Senator:

BRYANT of Oxford

Representatives:

JACKSON of Allagash

SAVIELLO of Wilton

FINCH of Fairfield

McLEOD of Lee

RICHARDSON of Carmel

LUNDEEN of Mars Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)** on same Bill.

Signed:

Senator:

PERRY of Penobscot

Representatives:

EBERLE of South Portland

BRIGGS of Mexico

SARTY of Denmark

READ.

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

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-741)** on Bill "An Act To Facilitate the Timely Reopening of Closed Clam Flats"

(H.P. 1422) (L.D. 2038)

Signed:

Senators:

DAMON of Hancock

DOW of Lincoln

SNOWE-MELLO of Androscoggin

Representatives:

PENDLETON of Scarborough

EATON of Sullivan

FLETCHER of Winslow

MacDONALD of Boothbay

McDONOUGH of Scarborough

EMERY of Cutler

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-742)** on same Bill.

Signed:

Representatives:

RICHARDSON of Warren

PERCY of Phippsburg

MAZUREK of Rockland

ADAMS of Portland

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-727)** on Bill "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

(H.P. 1508) (L.D. 2129)

Signed:

Senators:

DAMON of Hancock

DOW of Lincoln

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

PENDLETON of Scarborough

EATON of Sullivan

FLETCHER of Winslow

McDONOUGH of Scarborough

MAZUREK of Rockland

EMERY of Cutler

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-728)** on same Bill.

Signed:

Representatives:

PERCY of Phippsburg

ADAMS of Portland

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-729)** on Bill "An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories" (H.P. 670) (L.D. 885)

Signed:
Senator:
NASS of York

Representatives:
KNIGHT of Livermore Falls
CLARK of Millinocket
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-730)** on same Bill.

Signed:
Senator:
PERRY of Penobscot

Representatives:
PIOTTI of Unity
RAND of Portland
WATSON of Bath
PILON of Saco

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-732)** on Bill "An Act To Provide for Fairness and Accuracy in Utility Rate Setting" (H.P. 1490) (L.D. 2104)

Signed:
Senators:
BARTLETT of Cumberland
HOBBINS of York

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

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

Signed:
Senator:
SMITH of Piscataquis

Representatives:
THIBODEAU of Winterport
CURTIS of Madison

FLETCHER of Winslow
FITTS of Pittsfield

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1494) (L.D. 2108) Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1538) (L.D. 2164) Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1380) (L.D. 1944) Bill "An Act Regarding the Application of Term Limits for the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-745)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 1574) (L.D. 2205) Bill "An Act To Further Clarify Worker Payments for Clothing and Equipment"

(H.P. 1372) (L.D. 1938) Bill "An Act To Allow Community Service in Lieu of Fines" (C. "A" H-736)

(H.P. 1405) (L.D. 2021) Bill "An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff" (C. "A" H-731)

(H.P. 1469) (L.D. 2083) Resolve, To Expand Access to Foreign Language Instruction in Maine Schools (EMERGENCY) (C. "A" H-733)

(H.P. 1496) (L.D. 2110) Bill "An Act To Amend the Election Laws" (C. "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" (C. "A" H-734)

(H.P. 1550) (L.D. 2180) Bill "An Act To Ensure the Integrity of Prepaid Calling Accounts" (C. "A" H-744)

(H.P. 1600) (L.D. 2240) Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission" (C. "A" H-735)

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

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

Bill "An Act To 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)
(C. "A" H-738)

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

Bill "An Act To Allow Certain Assistance to Bear Hunters"

(H.P. 1475) (L.D. 2089)
(C. "A" H-740)

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

On motion of Representative JACKSON of Allagash, was **SET ASIDE**.

On motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and specially assigned for Friday, March 14, 2008.

ENACTORS

Emergency Measure

An Act To Make Technical Corrections to the Employment Security Law

(S.P. 801) (L.D. 2007)
(C. "A" S-437)

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. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters

(H.P. 1467) (L.D. 2081)
(C. "A" H-704)

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. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program

(H.P. 1499) (L.D. 2113)
(C. "A" H-705)

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. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Correct the Uniform Limited Partnership Act of 2007

(S.P. 811) (L.D. 2128)
(C. "A" S-440)

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. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error

(H.P. 1410) (L.D. 2026)
(C. "A" H-702)

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. 125 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation

(H.P. 1536) (L.D. 2162)

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. 126 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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

(H.P. 1564) (L.D. 2194)

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. 124 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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

(H.P. 1578) (L.D. 2211)

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. 124 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 Amend the Charter of the Kennebunk Light and Power District

(S.P. 422) (L.D. 1221)

(H. "A" H-713 and H. "B" H-714 to C. "A" S-412)

An Act To Improve Transparency and Accountability in Government

(S.P. 684) (L.D. 1881)

(C. "A" S-439)

An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules

(H.P. 1406) (L.D. 2022)

(C. "A" H-701)

An Act To Amend the Public Works Contractors' Surety Bond Law of 1971

(H.P. 1478) (L.D. 2092)

(C. "A" H-696)

An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service

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

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, Regarding Legislative Review of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1521) (L.D. 2141)

(C. "A" H-693)

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

An Act Relating to Insurance Coverage for Colorectal Cancer Early Detection

(H.P. 1495) (L.D. 2109)

(C. "A" H-697)

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

On motion of Representative FAIRCLOTH of Bangor, 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. 232

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, MacDonald,

Makas, Marean, Marley, Mazurek, McDonough, McFadden, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Curtis, Jacobsen, Lansley, McKane, McLeod.

ABSENT - Ayotte, Berube, Blanchette, Briggs, Bryant, Burns, Dunn, Duprey, Emery, Fisher, Grose, Haskell, Lewin, Lundeen, Moore, Patrick, Percy, Priest, Watson.

Yes, 127; No, 5; Absent, 19; Excused, 0.

127 having voted in the affirmative and 5 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Extend the ConnectME Authority

(H.P. 1607) (L.D. 2246)

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

On motion of Representative FAIRCLOTH of Bangor, 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. 233

YEA - Adams, Annis, Austin, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury.

NAY - NONE.

ABSENT - Ayotte, Babbidge, Berube, Blanchette, Briggs, Bryant, Burns, Dunn, Duprey, Emery, Fisher, Grose, Haskell, Lewin, Lundeen, Moore, Patrick, Percy, Priest, Watson, Mr. Speaker.

Yes, 130; No, 0; Absent, 21; Excused, 0.

130 having voted in the affirmative and 0 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Loans for Geothermal Heating Systems
(H.P. 1376) (L.D. 1942)
(C. "A" H-706)

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

On motion of Representative FAIRCLOTH of Bangor, 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. 234

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Curtis, Gifford, Jacobsen, McLeod, Thibodeau.

ABSENT - Ayotte, Berube, Blanchette, Briggs, Bryant, Dunn, Duprey, Emery, Fisher, Grose, Haskell, Lansley, Lewin, Lundeen, Moore, Patrick, Percy, Priest, Watson, Woodbury.

Yes, 126; No, 5; Absent, 20; Excused, 0.

126 having voted in the affirmative and 5 voted in the negative, with 20 being absent, and accordingly the Resolve was **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 matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Carrabec High School, of North Anson, the Recipient of the AARP Ethel Percy Andrus Legacy Award

(SLS 520)

- In Senate, **READ** and **PASSED**.

TABLED - February 28, 2008 (Till Later Today) by Representative **PINKHAM** of Lexington Township.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like

to congratulate AARP on the occasion of their 50th Anniversary, and their very generous donation to innovate programs in 50 schools, through 50 states in the United States.

The Will Power Program is in its fourth year of operation at Carrabec High School. There are approximately 40 students that have participated in it. In the Will Power Program, there is no "Can or Can't" only "I will or I won't." While physical training and weightlifting are a core activity of the program, it is not the central focus. The program is about setting high expectations and goals for oneself and carrying through on accomplishing them. It is about mutual sport and accountability, and for the team members. It is about doing the right thing and stepping up to challenges and responsibility.

Participants come to school two hours before the start of a school day, getting up around 5 am. Once there, three days a week, they engage in demanding, high-energy physical training, and weight training, an adoption that many members choose as to participate in competitive weightlifting, including obtaining national championships. On the other two days, many of the students are involved in morning tutoring study sessions.

Part of the program is the commitment to do well in all areas of life, including academics. The adult members of the program along with the school principal and due to the success of the initiative this year, all athletic coaches provide academic help during these early morning times on a rotating basis. The students of this program have a high school cumulative grade average 5 points higher than non-participants. Discipline issues with these students are significantly less than for non-participants. Post secondary enrollment is also higher for participants in the program than the general population.

When the program started, there was an old nautilus machine and a few weights in a caged off area in the gym. Today, through fundraising efforts, student support from the school and community gifts, the students have a fully equipped gym and more and better equipment than many private commercial gyms in the area. In addition, the program participants engaged in community service projects on a routine basis. As a result of their involvement in this program, alumni of the program and school have gone into a variety of fitness related fields including athletic training, physical therapy and physical education.

In addition to the students in the programs benefit, the Will Power Program also kicked off the use of Body comp scales in the school, providing students and parents with a detailed analysis of the students Body Mass Index, percentages of lean body weight and so forth. That is helping to address potential obesity issues that lead to chronic disease. As a result, the success of this Will Power Program has been infused in districts K-12 PE program.

The program has been presented twice at the Maine Physical Health Recreation and Dane Education annual conference. In addition, they have been invited and presented at other schools throughout the state that wish to start similar programs. They will receive the \$10,000 award, as the only recipient in the State of Maine. Please join us in the Hall of Flags at 1:30 pm for a press conference and a presentation by the Governor, and I congratulate Carrabec High School, their faculty and staff, and their students. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

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

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 12, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - Motion of Representative BARSTOW of Gorham to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the Ought Not to Pass Report on LD 1962. I believe that the Maine Legislature's job is to make good policy for each and every city and town in our state. Sometimes it makes sense to make uniform standards for our state. Sometimes, however, the individuality of our cities and towns make it impractical to provide and apply uniform polices, and I think that is in this case right now with the Informed Growth Act.

LD 1962 amended the Informed Growth Act to allow citizens of a municipality to have a say in the future of their town. The Amendment allows municipalities to participate in the Informed Growth Act, or opt out from the uniform standards in favor of their own local standards.

Like many cities and towns in our great state, Augusta went through an amazing comprehensive planning process involving over 100 different citizens in our process. Committees of citizens looked at data and analyzed where we have been, and made strong recommendations about our future. This comprehensive plan serves as a blueprint and vision for our future. A quote from the plan is as follows: "Augusta welcomes all shapes and sizes of economic development. That a vibrant economic community is where businesses of all sizes grow and prosper side by side." I truly believe that the citizens of Augusta know what is best for their community, as I think the same is true for all of us: The citizens in our towns know what they want for their community.

The good Representative from Biddeford, Representative Beaudette, stated that Augusta or perhaps some other service centers, might be considered to be exempt from the Informed Growth Act. The State Planning Office, states that a municipality must have their lawyer really determine if they are exempt from the provisions of this bill. The bill's language itself states that you basically need to adopt the economic and community impact criteria, or basically the Informed Growth Act, to be considered exempt. What I conclude is there are really truly no exemptions or waivers from this bill. A community must either fully adopt the Informed Growth Act locally, or follow the state regulations.

Also, it has been mentioned that the Informed Growth Act gives local communities the authority to include the economic impact study in their permitting process. Local communities already have the authority to pass economic impact study criteria as part of the land use ordinances. What I find challenging about this bill is that it imposes that this criteria must be used in dealing with all large-scale retail development.

Again, this amendment allows communities to opt out in favor of their own local growth criteria. Communities that choose to continue to use the Informed Growth criteria can continue to do so, even with this amendment; it will not change that. It simply recognizes that one size does not fit all in this arena. The Amendment challenges the local community to opt out with

provisions and consent for their local legislative body, and a referendum vote to validate those thoughts.

In addition, opponents of the Amendment have said that communities will still have local control when granting permits. They say that planning boards will have the authority to determine what they will do with the independent report prepared by the quality preparer, which by the way, only two of the nine are from Maine. Planning boards are administrative boards and subject to court action. I am wondering what legal risk does a planning board open itself up to by rejecting the independent preparer report. Remember that the independent preparer has been certified by the state. When I asked my city planner if he would advise his own planning board to ignore, disregard the report of the independent preparer, he expressed some significant, strong reservations. It seems that the local planning board is bound more by the decision of the independent preparer than the views and testimonies of a local community.

Finely, I read a sample guide for retail impact studies, produced by the Institute for Local Self-Reliance. The guide was also referred to by the Maine Association of Planners. I wanted to understand what an impact study was. I was surprised to learn as I read through the guide for a retail impact study just how many assumptions, projections, data suppressions are used in creating this economic impact study. Throughout the entire document, the writer describes how challenging it is to capture information, because data does not always exist in the 11 economic indicators. Comments like "Forecasting economic impact is not an exact science," or "There is no single methodology or data source for such an analysis," or "Such forecasts reflect hard-earned in-house knowledge rather than a formula approach to this issue" and, finally, "Forecasting the impact that any proposed retailer may have in a given retail market is not an exact science." I have heard advocates say that this is just additional information, what is the harm? The harm is that local planning boards are going to be tied to an independent report that may use more subjective measures than objective analysis.

Because of these reasons, I truly believe that it should be up to the local community to decide if they want this type of requirement for their economic development plan, or if they want to have a vote of their legislative body and a referendum to opt out of the Informed Growth. I respectfully ask my colleagues to vote against the Ought Not to Pass Report and support the original bill, to allow for local communities to decide the information that they need to make an informed decision. Let's have the communities who want the Informed Growth criteria to try this methodology in individual cities and towns before we apply an untested, untried process to everyone in the state. Thank you very much.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to vote Ought Not to Pass on this amendment.

In the State and Local Government Committee, we spent an awful lot of time on this, and the issue is really how we are going to care for our state and provide a level playing field for small communities, rural communities, as well as cities in the state. There is, within the bill, an opportunity for any municipality to opt out as long as they can provide the same information that would be required to be provided to any other municipality in the state.

I have to say that to add a little more confusion to the issue is really not helpful because we have not tested this bill yet, and the couple of things that concern me is in communities, a major developer can kind of overwhelm the townspeople, even if they

are very, very professional because of the size of the developers that may be coming in, and it seems to me that this provides an opportunity, the Informed Growth Act, left alone, provides an opportunity for developers who might otherwise feel unable to compete with such outside developers, to get a chance to be heard for their ideas, and I am not convinced that is happening now.

I know in Sanford we have major development going on there, and I keep asking for the figures, the financial figures, that I cannot get them, and speaking to one of the members of our town council and asking "Isn't it true that really the only information you have from the developers, part of it actually comes from the developer themselves?" And the answer was "Well, yes." So to allow all communities to be on the same level playing field, and to have an arms length bit of information provided to them so that all the townspeople who will get public notice of what the report shows will have an opportunity, and the town leaders will also have the opportunity to stand back and be seen as having an arms length choice, not just between them and the developer coming in to town, but be shown to have the benefit of outside information. It is all there, as long as municipality wants to provide all the information that other municipalities would have to be receiving, there is really no need for this amendment. I ask you to vote Ought Not to Pass.

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 a fairly narrow, what I think is a narrow issue, with respect to an interpretation of the Informed Growth Act.

I think it is important to clearly distinguish between the economic impact study that is provided for under the Act, and the findings of adverse impact that are also described under the Act. The economic impact study, performed by a qualified consultant, identifies the economic factors that are in play and does an assessment of how those factors are analyzed in the context of any particular proposal. The finding of adverse impact is a jurisdiction of a local planning board; that is a decision of a local planning board. They can decide whether all the evidence merits going forward. The economic impact study does not decide whether the project is approved; that is not the assignment of these outside consultants under the Informed Growth Act; that is not their authority under the Informed Growth Act. The economic impact study is not the end of the process, and local control and authority is preserved and the local planning board is not abdicating its responsibility to some unelected body somewhere. All of the information must be waived, including the economic impact study, but also including testimony, documents, and evidence provided by citizens, provided by the public, provided by the developers, provided by anybody else whose following has the interest in the case, so it remains in local hands. All of that other information is waived, along with the economic impact study.

Now, the question arises, well what happens if there is an economic impact study that there is no other evidence whatsoever other than the economic impact study, and is there some legal vulnerability to a decision by the local authority under the circumstances? First of all, I would say that courts give great deference to local planning authorities. This kind of weighing and balancing of evidence is a quintessential function of these planning boards, it happens all of the time and courts are loathed to interfere with that kind of thing if there is some evidence, one side or another, so all that has to happen is a developer, for example, or any person who disagrees with the economic impact study presents some contrary evidence, and once you have

evidence on both sides, the weighing of that evidence is up to the local authority, and I think boards are almost always very reluctant to interfere with that. If there is absolutely no other evidence, if the economic impact study is the only evidence, nobody testifies, nobody submits an analysis, nobody submits a document, than I am not sure what the problem is. If there is no other point to be made than that economic impact study should have some positive weight, so I just wanted to clarify the respective role of the study and the planning board analysis because they are different, and I think the original Act does leave the discretion in the hands of local control where it belongs. I think to a great extent we are in the same church, but maybe in different pews on this issue. I do not think anybody is trying to take away that local control, and I think the Act should be allowed to go forward as it was originally enacted. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a hesitancy to rise and speak against some of the people on my committee, but I think that we continually hear that we want to involve our public in our decision-making process and this bill would allow that to happen.

The big problem we have, I talked to a gentleman who is a former member of this House, from Windham, and he said that basically this would help towns have an incentive to develop their zoning plan and their comprehensive plan, and anything that smacked of development, if we would just send them to him, he would be happy to consider them for the Town of Windham, so I think that he is probably one of the best authorities in the State of Maine on this, and Mr. Dave Tobin, who was, as I said, a former member of this body. I ask you to defeat the pending motion and pass this bill. Thank you.

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. As we have gone through this protracted debate on this pending motion, I have had a chance to look through some of my testimony and remember what we had considered, to how we got to this point.

The Maine Association of Planners—and this is very important for those considering this and still undecided on how they are going to vote on this measure—has been very active in an independent role, helping to guide our committee in making sure this is crafted and it can be done along the line of current land use governance in our communities. A couple of points in the testimony and in full disclosure, Maine Association of Planners testified neither for nor against LD 1962. A couple of the many points that they brought to our attention why it may be premature to amend the Act: A opt out option may undermine the purpose of assessing regional economic impacts; further, referendum may not be appropriate as a process whether to opt out.

I think that is something that we are forgetting in this discussion. We are talking about our individual communities and I know that Maine has close to 500 municipalities, but one of the best parts about the Informed Growth Act is the fact that it takes in regional effects of planning. I could decide to vote in favor of, or support as a citizen, a development in my hometown of Gorham. The problem we have with our current process is that I do not assess how it is going to affect Buxton, or how that is going to affect Windham, or affect Westbrook, my neighboring communities; this does that. Further, it should be noted that there are planning board members that have actually written testimony and also testified in favor of the original Informed

Growth Act and against the pending legislation.

I want to leave you on this final point: We had a constituent come into our committee room and speak about her experience on a development project that came to her community, and the fact that the question was posed about have you considered the economic impacts, what do you have for statistics concerning this project that you are looking to approve in your community. The response from that planning board member, or the chair of that planning board, was "We do not have the ability to consider that, I am sorry." Could you imagine if we were in this body and we had data that was presented to us and we said, "I am sorry; we cannot consider that on this issue because of the fact that it is not within our rules to govern in that way." Let's vote for the pending motion, let the Informed Growth Act take its course, and allow this information to be disseminated and added to these discussions in our communities. Thank you.

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. I ask you to vote Ought Not to Pass on the pending motion.

Just a reminder: This bill does not repeal the Informed Growth Act; it only makes an amendment to the law. It allows each municipality to go out to the voters in referendum and make the decision if they approve the new development in their community. From a municipality's perspective, LD 1962, this bill, provides a middle ground between the advocates of the Informed Growth Act and those opposed to state interference in local control. As enacted, I believe that the Informed Growth Act created roadblocks to future development in Maine and as a result, the unintended consequences have been the "no growth act." I believe the state's role is to assist communities, but the final decision regarding local development proposals should rest in the community.

Last evening, I spoke with a gentleman who lives in my district. He served on the zoning board of appeals for 10 years, and has served the last 12 years on the planning board. He has been involved with planning for 22 years, and he said he does not see any need for the Informed Growth Act. He feels it ties the hands of local municipalities to decide what they want in their community.

Citizens in Augusta voted, by referendum, to support the Target and Lowe's development by a vote of 69 percent. Now I have heard some folks say that they do not like the looks of the project, but when I look at that development I see not only retail jobs created by the businesses, but full-time and part-time jobs, both management jobs, construction jobs, trash collecting jobs, security jobs, snow plowing and maintenance jobs.

I had a woman in my district call me very upset about the proposed cuts in our state budget to foster parents. She told me how lucky she is, because she is able to work part-time at Lowe's and still be home for her children when she needs to be. She is one of many who need the flex hours those jobs at these large developments provide. Without these flex part-time hours, she could not work at all.

Because of the new development in Augusta, the City Council has just decided to TIF the new tax dollars, and the TIF money will be used for our downtown Main Street. Just like many communities across the country, our downtown needs to be revitalized. We need to have a mix of businesses and people living there. Like many other communities, we are working on that. Some of our planned projects would not be possible without the tax dollars created by the new development we have.

Some of you that are coming from Augusta from the south have noticed a new exit, a much safer exit. The old exit had a

number of accidents; large trailer trucks topping over because of the sharp curve as you enter Western Avenue. The construction of this new exit was paid for by the developer, saving state and city tax dollars, also providing construction jobs. The new traffic light system along Western Avenue, just installed last summer, was paid for in part by the developer.

We need businesses in Maine. We need clean businesses that do not pollute; we need to encourage these businesses. Please vote Ought Not to Pass on the pending motion, so that we can go on to support the original bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I originally sponsored the bill that would amend the Informed Growth Act; I am no longer supportive of that bill.

I have had some thorough discussions with my planning department, as well as my town planner, who has won numerous awards and is currently the president of the Maine Planners Association. I am convinced that while certainly supportive of economic development and businesses that the Informed Growth Act is a good thing for Maine, and that there is an exemption that allows communities like mine and perhaps like yours, that has a competent planning board and a comprehensive plan and regulations in place to seek an exemption should they want one. I urge you all to not amend the Informed Growth Act until it has had an opportunity to expand our knowledge of its impact in our community. Thank you very much.

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 apologize for prolonging this debate, or at least contributing to prolonging this debate. I also understand that for myself, I do not like to study things to death. I am cognizant of analysis paralysis, and the quicker we can come to decisions once we have adequate information, the better I personally like it; however, in this case, I see this bill as a quick fix.

There is existing exemption language, and I would like to have the time for the State and Local Government Committee of the next session to fully engage the business community, municipal planners, so that we can craft exemption language that is more effective than what I perceive here as a knee-jerk reaction to try and fix something that we do not even yet know whether it works or not. I would like to have that time to spend with all those stakeholders so that we can come forth with an improved Informed Growth Act that can be utilized for many years to come; of course, there will be amendments along the way as we might find something, but I think that this one right now is too drastic, too quick, and I would implore you to support the motion that is on the floor.

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 was a cosponsor of the original Informed Growth Act last year, and I support the Majority Ought Not to Pass Report. My interest in this bill, in its origins, was the way in which it would deal with regional impacts, to take a regional look at development patterns and the impacts and the opportunities development would pose, not just to the service center that was the host and the site for a new larger development, but the opportunities and the costs to the surrounding smaller communities, to opt out as a regional service center is to opt out to all the towns in the region that were going to be affected by that project. I think it is more fair to take

the regional approach, I think it is more thoughtful. In the end of the day, I think you have a better economic development scheme when you think regionally.

Those regional impacts are things like transportation; transportation patterns can change through significant development, and those patterns can have costs to the surrounding local area. Drinking water supplies; drinking water supplies do not know political boundaries. If a variety of communities are sharing the same reservoir, the same aquifer for their municipal drinking water supplies, they have an interest as much as the service center does in what happens in that region. Regional planning around issues like housing, open space protection, drinking water supplies and the like are really important, and the opt out for those communities becomes a cop out for those communities. Planning boards do plan, but mostly they evaluate, they evaluate projects based on their conformance to zoning rules and comprehensive plans; it is a fairly tightly figured activity and while they may charge the developer for doing a traffic study on the impact at intersection A, they certainly do not spend the money and require the developer to look at larger regional multi town impacts of transportation, for example.

I think this bill was a pro development bill in the first place and continues to be a pro development bill. It is a bill that will encourage the kind of development that adds value to not only our economy, but to the quality of place which we call Maine's brand.

I just wanted to end by mentioning that I was driving through North Conway, New Hampshire a couple of years ago, and I came to an intersection on my way home to Maine and saw a lovely looking development at the edge of a set of developments in their commercial area. I pulled off the road because I was so stunned by the look of it: It had brick façade and beautiful arched entrances to the building, the parking lot was brimmed with slopes that had scrubs and trees; it did not look like a sea of asphalt with cars and chewing gum. It was really attractive. I thought, "Who built this? Is this a Saks Fifth Avenue outfit that had put up this wonderful building?" I looked carefully from my window and there was a little logo, like something on a fancy tee shirt, and it said Wal-Mart. I thought, "How the dickens did North Conway get a Wal-Mart that was flattering to their local architecture and sense of place? How did they do that?" Because they empowered themselves to do that. I think this bill is going to improve the quality of development in Maine in the decades to come, and I just wish we had it working for us 20 years ago. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

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

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. To whoever may care to respond, I would like to know who will pay for such a referendum.

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Under the current Informed Growth Act, the developer pays a \$40,000 fee to pay for the study. Any money that is not used—we were informed when enacting this last year—any money that is not used would be reimbursed to the developer, and often it is far less than the \$40,000 that is in the current law.

The SPEAKER: The Chair recognizes the Representative

from Freeport, Representative Webster.

Representative **WEBSTER**: Mr. Speaker, was that in response to the question of a referendum or the study? Mr. Speaker, may I rephrase my question through the Chair? I am not sure I understood correctly.

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. I am curious if in fact this amendment were to take place, would the municipality be responsible for the referendum in order to opt out.

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for misunderstanding my good friend from Freeport. The municipality would have to pay for the referendum. It would be the municipality's option to initiate the methods for opting out of this if this measure before us were to pass.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

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

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you, Mr. Speaker. My second question and I will be brief: If there were a referendum and if a development corporation—and I am mindful of my 1,500-person town that I represent, as well as Freeport—if a development corporation were to decide to spend a significant amount of money to advertise and sway the vote, who would pay for the balancing information?

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In a situation of that nature, I believe it would be like any other campaign for any other issue that is put before the people in a referendum, and it would be a campaign organization that would have to do that fundraising, or a community group that saw a great interest in wanting to prevent a certain development from going forward, or a referendum concerning future development. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Chair. Mr. Chair, Ladies and Gentlemen of the House. The word from the business community when this bill passed last year was this is a bad bill for Maine. It is bad for business and if it is bad for business, it is bad for Maine. That we discussed last year and I am not going to get into that, but I would ask my fellow members to vote against the motion. I think the Amendment actually softens the blow of the Informed Growth Act and, therefore, I would rise to vote against the pending motion. Thank you, Mr. Chair.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am from Belfast, and we have debated this issue for, I would say, about 10 years, and I have voted more times on this than I can remember. Large-scale retail development in our area has been a very, very sensitive issue, so I rise speaking having lived with this personally. We do not have a Wal-Mart in our community; we do

not have a Lowe's; we do not have a Target or any of the retail stores. Those that would like to have those stores in our community would like to be able to buy the less expensive items that some of those stores offer locally, without traveling 40 or 50 miles. Those that do not want this type of development are very concerned with the impact. We have been at an impasse. In fact, with this bill that I supported last spring, very few on this side of the aisle did, but I did support this feeling that an impact study would be a benefit. I personally served on a retail review commission in our community for a year, debating this and trying to come to some consensus of opinion, and I felt based on that experience that an independent objective study would have been very, very helpful to us. I still, as I speak, I remain very concerned about the delicate balance of growth we try to have in this state, but maintaining what we really want to quality communities.

With that all said at the end of the day, I feel one thing that is very important with this amendment that has been proposed is it does provide the opportunity to vote locally on this. Having served here, I do not feel that the Legislature should be telling people in York, Eastport, or Madawaska, or Lee, or Bangor, or Winterport, what they should have in their community specifically for growth. I do not feel that the Amendment would weaken the Informed Growth Act, because you still have that option for the impact study as your community sees that it is needed. Having lived with this and I know I am going to get phone calls after this but I will answer them, I still feel we must put this back to the voters to decide, so I will vote against the Ought Not to Pass. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The points that are important to me have already been made, so I will save my notes for the next debate on this issue.

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

ROLL CALL NO. 235

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Conover, Driscoll, Eaton, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Greeley, Hanley S, Harlow, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, McDonough, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Beaudoin, Beaulieu, Browne W, Campbell, Cebra, Chase, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, Mazurek, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Ayotte, Berube, Blanchette, Bryant, Craven, Dill, Duchesne, Dunn, Duprey, Emery, Fischer, Grose, Haskell, Lewin, Lundeen, Moore, Percy, Pineau, Watson.

Yes, 73; No, 59; Absent, 19; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, with 19 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Amend the Conflict of Interest Laws for Notaries Public"

(H.P. 1441) (L.D. 2057)

- In House, Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)** on March 5, 2008.

- In Senate, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

- In House, House **RECEDED**.

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

PENDING - **FURTHER ACTION**.

Representative **BARSTOW** of Gorham **PRESENTED House Amendment "A" (H-747)** to **Committee Amendment "A" (H-707)**, which was **READ** by the Clerk.

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. In the original bill that was reported out concerning notaries public, we were looking to clarify and conform to national standards concerning family relations and conflict of interest. The original bill had a prohibition of doing notarial acts for members of your family directly. What this amendment does is it simply changes it so that if there is a benefit to a notary for performing an act, they would be prevented, but otherwise the solemnization of marriages and, also, other general notary acts, can continue. I hope you will support this. Thank you, Mr. Speaker.

House Amendment "A" (H-747) to **Committee Amendment "A" (H-707)** was **ADOPTED**.

Committee Amendment "A" (H-707) as Amended by **House Amendment "A" (H-747)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-707)** as Amended by **House Amendment "A" (H-747)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

(H.P. 1456) (L.D. 2072)

TABLED - March 12, 2008 (Till Later Today) by Representative **PINGREE** of North Haven.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-743)** was **READ** by the Clerk.

Representative **EBERLE** of South Portland **PRESENTED House Amendment "A" (H-749)** to **Committee Amendment "A" (H-743)**, which was **READ** by the Clerk.

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr.

Speaker, Men and Women of the House. This is language that clarifies the original intent of the bill, which was the Unanimous Committee Report that would authorize the owner or operator of the underground oil storage tank to dispense any remaining oil on the tank if, in the Commissioner's judgment, doing so would not pose a threat of release of product or will reduce that threat. This simply brings us into conform with federal policy, and it is a just minor thing that we intended to do originally. Thank you, Mr. Speaker.

House Amendment "A" (H-749) to Committee Amendment "A" (H-743) was ADOPTED.

Committee Amendment "A" (H-743) as Amended by House Amendment "A" (H-749) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Friday, March 14, 2008.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Compliance and Accountability of the Child Development Services System"

(S.P. 767) (L.D. 1973)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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 28, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of Representative NORTON of Bangor to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

On motion of Representative PINGREE of North Haven, **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)

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-750)** on Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

(H.P. 1501) (L.D. 2121)

Signed:

Senators:

BOWMAN of York

MITCHELL of Kennebec

Representatives:

NORTON of Bangor

FINCH of Fairfield

MAKAS of Lewiston

FARRINGTON of Gorham

HARLOW of Portland

SUTHERLAND of Chapman

EDGECOMB of Caribou

McFADDEN of Dennysville

MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-751)** on same Resolve.

Signed:

Senator:

MILLS of Somerset

Representative:

STRANG BURGESS of Cumberland

READ.

Representative NORTON of Bangor moved 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. LD 2121 is one of those bills that provides for legislative review of portions of the law pertaining to your committee. This happens to be Chapter 115; it is the certification, authorization, and approval of educational personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education.

Essentially, our public hearings centered around people who came to protest the proposed rules, and most of the concern was around the pre-K certification. That is one of those items that has hit us so quickly, a lot of people have not had the occasion to get authorized pre-K authorization certification, so there was a great deal of concern among people in the field that there would not be a members out there.

Essentially, what the Majority Report does is it allows grandfathering eligibility for early childhood teaching endorsement for teachers employed currently in pre-K and kindergarten through third grade programs in the state. If those people were employed this school year, I think the date was anytime February 1,007 through February 1, 2008, anyone employed during that period of time would be grandfathered to teacher the pre-K programs. I believe that is really the only difference in the two reports is that Part A allows it.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-750)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 14, 2008.

Reference was made to Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

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

In reference to the action of the House on March 12, 2008 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative PINGREE of North Haven

Representative
FARRINGTON of Gorham
Representative JOHNSON of
Greenville

SENATE PAPERS

The following Joint Order: (S.P. 886)

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources shall submit, to the Senate, a bill establishing an outdoor wood boiler fund.

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

READ and **PASSED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin who wishes to address the House on the record.

Representative **BEAUDOIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 231 on Adoption of Committee Amendment "B" to LD 1878, I voted yes by mistake. I wish my vote to be recorded as no. Thank you, Mr. Speaker.

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

On motion of Representative PENDLETON of Scarborough, the House adjourned at 11:26 a.m., until 9:00 a.m., Friday, March 14, 2008 in honor and lasting tribute to Elizabeth Lyons, of Bernard, Maine and Port Hood, Nova Scotia, Robert W. Scammon, of Scarborough, Vernon Walter Paulsen, of Scarborough and Leroy W. Fox Rand, of South Portland.