

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
27th Legislative Day
Monday, March 17, 2008

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

Prayer by Honorable Philip A. Curtis, Madison.

National Anthem by Lisa White, Wells.

Pledge of Allegiance.

The Journal of Friday, March 14, 2008 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Amend the Informed Growth Act"

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on March 13, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Reports were **READ** and the Bill **SUBSTITUTED** for the Reports and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative TARDY of Newport moved that the House **RECEDE AND CONCUR**.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion **RECEDE AND CONCUR**.

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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 236

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

NAY - Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Boland, Briggs, Burns, Cain, Canavan, Carter, Casavant, Clark, Craven, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Adams, Berry, Brautigam, Bryant, Carey, Cleary, Connor, Conover, Dunn, Duprey, Emery, Fischer, Grose, Lansley, Perry, Rines.

Yes, 63; No, 72; Absent, 16; Excused, 0.

63 having voted in the affirmative and 72 voted in the negative, with 16 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Representative BARSTOW of Gorham moved that the House **ADHERE**.

Representative CROCKETT of Augusta moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

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 to Insist and ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 237

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Blanchette, Browne W, Campbell, Carter, Cebra, Chase, Cotta, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lewin, Marean, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

NAY - Adams, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Boland, Briggs, Bryant, Burns, Cain, Canavan, Casavant, Clark, Craven, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Fisher, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Savage, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berry, Brautigam, Carey, Cleary, Connor, Conover, Dunn, Duprey, Emery, Fischer, Gerzofsky, Grose, Lansley, Perry, Rines.

Yes, 63; No, 73; Absent, 15; Excused, 0.

63 having voted in the affirmative and 73 voted in the negative, with 15 being absent, and accordingly the motion to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE FAILED**.

Subsequently, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Improve the Compliance and Accountability of the Child Development Services System"

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

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on March 13, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (8) **OUGHT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative TARDY of Newport moved that the House **RECEDE AND CONCUR**.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative TARDY of Newport to **RECEDE AND CONCUR** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Expand the Natural Resources Protection Act Compensation Program"

(H.P. 1589) (L.D. 2223)

PASSED TO BE ENGROSSED in the House on March 12, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-456) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

COMMUNICATIONS

The Following Communication: (H.P. 1625)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 10, 2008

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

Dear Clerk MacFarland:

Enclosed please find my official certification to the 123rd Legislature of the citizen initiative petition entitled "An Act to Allow a Casino in Oxford County."

Sincerely,
S/Matthew Dunlap
Secretary of State

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

Sent for concurrence.

On motion of Representative PATRICK of Rumford, the accompanying Bill "An Act To Allow a Casino in Oxford County" (I.B. 3) (L.D. 2261)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS**, ordered printed and sent for concurrence. **ORDERED SENT FORTHWITH.**

The Following Communication: (S.C. 682)

**MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 14, 2008

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

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Amend the Conflict of Interest Laws for Notaries Public" (H.P. 1441) (L.D. 2057) and all accompanying papers.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

ORDERS

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 1624) (Cosponsored by Senator ROTUNDO of Androscoggin and Representative: CRAVEN of Lewiston)

JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, four signers of the Declaration of Independence were Irish-born and nine signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment, and military and government service; 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, take this opportunity to encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

READ.

Representative CANAVAN of Waterville **REQUESTED** a roll call on **ADOPTION** of the Joint Resolution.

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 Lewiston, Representative Craven.

Representative **CRAVEN:** Thank you Mr. Speaker. Thank you Mr. Speaker, Men and Women of the House. I wish you a Happy St. Patrick's Day!

First, I want to thank Rep. Canavan for bringing this Resolution forward, to celebrate St. Patrick's Day, it gives me an

opportunity to stand and honor my heritage.

This winter I met a man from Monjoy Hill by the name of Michael Connolly. Mr. Connolly is the author of *They Changed the Sky*, which is a historical look at the Irish in Maine. What I remember best about our conversation, while discussing our common heritage, is that he said, "Aren't we the luckiest people in the world to have such a rich and fabulous heritage" and, of course, I shamelessly agreed.

I was born in Ireland and lived there until I was 17 years old, at which time I immigrated to the United States. Even my generation has forgotten the strife and sacrifices the Irish who came before us endured for equality, and they trail blazed for other immigrant groups to come and have inclusion.

I am grateful for their legacy, their work and perseverance, to pave the way for me, an Irish immigrant from Lewiston, to be serving in the Maine State House of Representatives. Thank you, Mr. Speaker, and Happy St. Patrick's Day!

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. At this time of year we often like to remember members of our family and heritage, and I like to remember my grandmother, Kathleen Moira Patrice O' Flanagan Faircloth. In my family—sometimes you are taught lullabies when you are a little kid, but in my family we were taught a song about drinking and death, and it is called "The Parting Glass," and I will render it for you now:

Oh of all the money that e'er I spent,
I spent it in good company
And all the harm that e'er I've done,
alas, it was to none but me
And all I've done for want of wit to memory now I can't recall
So fill to me the parting glass, good night and joy be with you all

Oh all the comrades that e'er I've had,
are sorry for my going away
And all the sweethearts that e'er I've kissed,
would wish me one more night to stay
But since it falls unto my lot that I should rise and you should not
I'll gently rise and I'll softly call good night and joy be with you all

God Bless.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Mr. Speaker, and there is no way to top that. Thank you very much, Representative Faircloth. Tip top o' the morning to you, Ladies and Gentlemen of the House.

May God in His wisdom
And infinite love
Look down on you always,
From Heaven above.
May He send you good fortune,
Contentment and peace.
And may all your blessings
Forever increase.

Thank you, Mr. Speaker.

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

ROLL CALL NO. 238

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

NAY - NONE.

ABSENT - Berube, Carey, Cebra, Cleary, Connor, Dunn, Duprey, Emery, Fischer, Gerzofsky, Grose, Lansley, Moore, Perry, Strang Burgess.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Joint Resolution was **ADOPTED**. Sent for concurrence.

On motion of Representative BLISS of South Portland, the following Joint Order: (H.P. 1623)

ORDERED, the Senate concurring, that the Joint Standing Committee on Utilities and Energy shall submit, to the House, a bill regarding railroad freight service quality.

READ.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Historically, the large industries in the northern part of the state have agonized over the high prices they have to pay for electricity, and they frequent the Utilities and Energy Committee regularly and admonish us for not doing more to help reduce their electric rates. It is an important problem.

About two years ago, those same companies came, as a group, and asked the members of the Utilities and Energy Committee—I suppose because they trusted us, because of their history with us—if we would listen to another problem, and they talked to us at length, many of them with the understanding that they would remain anonymous, about the problems that they had with the rail service, getting their raw materials and taking their product out of their businesses in a timely and reasonable way. There was, frankly, very little that the Utilities and Energy Committee could do, but we talked with them for a long time and, as a result, we passed legislation that allowed the Office of the Public Advocate to accept their complaints and to keep track of them, and to report back to us annually for two years, and then the legislation would sunset.

Those two years have passed and we heard reports from the Office of the Public Advocate about continuing complaints, continuing dissatisfaction, and continuing concerns. We have heard about businesses in northern Maine having to move their service from rail to more expensive, but more reliable trucking; we have heard about businesses having to leave Maine; we have

heard about businesses having to close. It is not the message we wanted to hear. It is not a message in any way supporting economic development in northern Maine, and most of us from the south would agree that northern Maine needs economic development desperately.

This Joint Order would allow the Utilities and Energy Committee to take the next logical step: to pass a legislation that would, among other things, eliminate the sunset clause so that the Office of the Public Advocate could continue to hear those concerns, and also allow us to request some action, some investigatory action, by the Department of Transportation. I urge you to allow us to help those businesses in northern Maine. Thank you, Mr. Speaker.

Representative **MARLEY** of Portland **REQUESTED** a roll call on **PASSAGE** of the Joint Order.

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 Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first want to thank the good Representative from South Portland, Representative Bliss. He and I had talked about this before the Joint Order came up.

I am going to oppose the Joint Order for several reasons. He is accurate as far as freight rail is absolutely invaluable to this state and we need to do more with that piece. There have been complaints and that is why, jointly, the Transportation Committee and Utilities Committee, I believe about three years ago, put forth this legislation to work with the Public Advocate. Ironically enough, because freight railroads are the purview of transportation—it is paid for by highway dollars, don't forget, Department of Transportation dollars—so that is one reason why I think that this Joint Order may not be appropriate at this time.

Additionally, we have a report from the Public Advocate talking about some of those concerns. Utilities has already heard that; Transportation has scheduled this and about a week ago it was postponed because of an illness in the Public Advocate's Office, and we are going to hear that in the next week or so. First off, I feel this is premature, as well as probably jurisdictionally which would be talking about which committee has the purview of this. Utilities is right: Energy and infrastructure are two of the biggest issues you are looking at for economic development.

What I have tried to do in the meantime, while we have waited for the Public Advocate, is I have met with both sides of the issue; those that oppose where this legislation ultimately wants to go about changing the ownership of that railroad, the State of Maine taking ownership and then passing it along to another provider. There is great concerns there—contractual concerns, labor concerns, as well as the antibusiness climate that that may state. I have asked each of those individuals who have come forward and said, "I have heard complaints. This new president of one company in particular, have you seen any changes in that?" Everyone, to a person, in both cases there has been slight changes, but there are still concerns and we recognize that.

I think we need to look at this as an opportunity. If we are seeing this large ship that has been having problems, or train in this case, moving in the right direction, we should try to make this an opportunity and not make this adversarial. That is why I am asking you not to support pending Joint Order. Thank you.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If our economy is

going to grow, we are going to provide the jobs that we need for our young people, we have to have better rail service and sitting still, and doing nothing is not the answer. This is not a perfect piece of legislation, but I am going to support it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the reasons that this Joint Order is being brought forward is because our calendar is drawing short, and we do not have a lot of time left to debate some of these issues.

This legislation will allow the Utilities Committee to take action in an official manner, whereas in an unofficial manner, we have passed similar legislation unanimously—that is 13-0—because after hearing this report from the Public Advocate's Office, it is very apparent that we have a problem and we need to move forward with it. There will be plenty of opportunity as this legislation works through to work with the Transportation Committee; they are not being eliminated from the process, nor is their jurisdiction being disallowed. What this does is give us the vehicle as a Legislature to take action, and that action is simply an investigation as to what our options might be; it is not to do any transfers of ownership; it is simply to investigate. Thank you, Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have all heard the old cliché "I see the light at the end of the tunnel, and it's a train." In this case, I think the light is getting dim, and that is why we need to take action now.

This is an environmental issue. As we all know, it is much more energy efficient and, therefore, fossil fuel efficient to move a ton of freight by rail than it is by truck, so for many, many reasons when the Committee looked at this, we said that hoping it is going to get better is not an acceptable strategy.

Probably the most compelling bit of testimony that we heard two years ago was, to me, was when the customers, the people who want to ship by rail, came in and said we can't get the cars there; the cars get lost; we have been promised we are going to get them; we can't get our product to our customer, just a myriad of problems that go on and on. Then we heard from the operator of the railroad. His comment was: Everything is fine; everything is working just the way we want it; our customers never complain to us. There is something wrong. When you are that far apart in your expectation, we have an issue, and I would ask you to support this Resolution not to say we are going to take over anything, but this is such an important issue that we cannot wait and hope it gets better, and watch the light go out on the locomotive coming towards us. I would appreciate your support of this Resolution. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with the good Chair of Transportation, my Chairman, Representative Marley, and one of the reasons is the response from these surveys is so small, we haven't really got a full response to act in accordance with what this Joint Order asks for.

You have to run a business and when you run a business, you have to make money. There are certain things that go wrong with businesses, and you have to react to those. We have to give these people the time to react. It is my understanding that there have been improvements over the past three to four years in the requests that some of these shippers have made, but I ask

you not to support this. It is just too mature at this time; we have not even heard from the Advocate. Thank you.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not prolong this, I appreciate the debate on this. I think the point to me here is this is important infrastructure, and that is why I think you have had this debate on a Joint Order. I also think that we all acknowledge that they have concerns in the past, and there continues to be concerns.

Probably my personal greatest issue with this is we are basing the decision on the report of the Public Advocate, who sent out 92 surveys. Only 6 people responded, 6 businesses responded. That is 7 percent of their surveys sent out. I would like to personally, as a member of the Transportation Committee, hear from the Public Advocate on the report, ask the questions of that person before we move forward with this Joint Order. That is where I am; I think that is what the Representative from Old Orchard Beach, Representative Hogan, was alluding to about the small numbers. No one is saying there are not concerns and we absolutely need to take care of our businesses, but we do need to do this in an informative way and that is why I am opposed to the passage. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is in no way an attempt to take any authority or opportunity away from the Transportation Committee. In fact, the Utilities Committee, I can say without even asking my members, I am sure they would be delighted to move forward arm and arm with the Transportation Committee.

This is an issue of time. The Transportation Committee will not be hearing the report from the Public Advocate for another two weeks, and we just cannot wait that long. We think it is important to take action; this allows us the opportunity to take that action; we would be happy to take it in concert with the Transportation Committee, but we cannot wait. Thank you, Mr. Speaker.

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

ROLL CALL NO. 239

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Chase, Clark, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Edgecomb, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Patrick, Pieh, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Beaudoin, Berry, Browne W, Cebra, Eberle, Fisher, Flood, Hogan, Marley, Mazurek, McDonough, Pendleton, Peoples, Pilon, Pineau, Pratt, Smith N, Valentino, Wheeler.

ABSENT - Berube, Carey, Cleary, Connor, Duprey, Emery, Fischer, Grose, Moore, Norton, Percy, Perry.

Yes, 120; No, 19; Absent, 12; Excused, 0.

120 having voted in the affirmative and 19 voted in the negative, with 12 being absent, and accordingly the Joint Order was **PASSED**. 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:

(S.P. 864) (L.D. 2234) Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 758) (L.D. 1964) Resolve, To Determine Appropriate Buffer Zones for Landfill Construction and Expansion Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-450)**

(S.P. 790) (L.D. 1996) Bill "An Act To Allow Changes of Beneficiaries under the Maine Public Employees Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)**

(S.P. 792) (L.D. 1998) Bill "An Act To Provide Accessible Higher Education Financial Assistance for Maine Families" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-447)**

(S.P. 804) (L.D. 2114) Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-448)**

(S.P. 830) (L.D. 2169) Bill "An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-449)**

(H.P. 1567) (L.D. 2197) Bill "An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1390) (L.D. 1952) Bill "An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-758)**

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:

(S.P. 266) (L.D. 856) Bill "An Act To Reduce Drunk Driving" (C. "A" S-446)

(S.P. 747) (L.D. 1936) Bill "An Act To Include the Town of Nobleboro within the Service Area of the Great Salt Bay Sanitary District" (C. "A" S-444)

(S.P. 844) (L.D. 2193) Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY) (C. "A" S-445)

(H.P. 1453) (L.D. 2069) Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws" (C. "A" H-752)

(H.P. 1483) (L.D. 2097) Bill "An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax" (C. "A" H-754)

(H.P. 1582) (L.D. 2216) Bill "An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality" (C. "A" H-753)

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 as Amended** and sent for concurrence.

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

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

(H.P. 1423) (L.D. 2039)
(C. "A" H-723)

Bill "An Act To Provide for Fairness and Accuracy in Utility Rate Setting"

(H.P. 1490) (L.D. 2104)
(C. "A" H-732)

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

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)
(C. "B" H-730)

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**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 240

YEA - Adams, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Canavan, Casavant, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Gifford, Giles, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rector, Rines, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Thomas, Treat, Trinward, Valentino, Wagner, Watson, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Browne W, Burns, Campbell, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis,

Finley, Fitts, Fletcher, Flood, Gould, Greeley, Hamper, Jackson, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Muse, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Savage, Saviello, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Tuttle, Walker, Weaver, Wheeler.

ABSENT - Carey, Cleary, Connor, Duprey, Emery, Fischer, Grose, Perry, Vaughan.

Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS
Acts**

An Act To Decrease Energy Costs on Swans Island and Frenchboro

(H.P. 1425) (L.D. 2041)
(C. "A" H-708)

An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent

(H.P. 1435) (L.D. 2051)
(C. "A" H-695)

An Act To Clarify the Laws Governing the Extension of Health Care Coverage to Dependents

(H.P. 1450) (L.D. 2066)
(C. "A" H-710)

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.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 14, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Allow Certain Assistance to Bear Hunters"
(H.P. 1475) (L.D. 2089)
(C. "A" H-740)

TABLED - March 13, 2008 by Representative JACKSON of Allagash.

PENDING - **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

Representative **ADAMS**: Thank you, Mr. Speaker. Regarding Roll Call No. 236, voted this day, March 17, 2008, had I been present in the Chamber, I would have in fact voted no, as I did in fact do on the following Roll Call No. 237.

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

On motion of Representative GOULD of South Berwick, the House adjourned at 10:24 a.m., until 9:00 a.m., Tuesday, March 18, 2008.