

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
28th Legislative Day
Tuesday, March 18, 2008

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

Prayer by Father Ronald Labarre, Biddeford (retired).
National Anthem by Cony High School Jazz Band, Augusta.
Pledge of Allegiance.
Doctor of the day, David Dumont, M.D., Lincoln.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 890)

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall submit, to the Senate, a bill directing the Department of Corrections to extend a pilot project at the juvenile corrections facilities.

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

READ and **PASSED** in concurrence.

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands
(S.P. 889) (L.D. 2260)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 483)

STATE OF MAINE

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

March 11, 2008

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

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

L.D. 1215 An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine

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

Sincerely,
S/Sen. Lynn Bromley
Senate Chair
S/Rep. Nancy E. Smith
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 484)

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

March 12, 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 Criminal Justice and Public Safety has voted unanimously to report the following out "Ought Not to Pass":

H. P. 1511 ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," study the creation of a catastrophic illness fund to help firefighters, police officers, emergency medical technicians, paramedics and their families

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

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Stanley J. Gerzofsky
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 485)

STATE OF MAINE

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

March 11, 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. 2004 An Act To Establish the Department of Substance Abuse Services
L.D. 2148 An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens
L.D. 2152 An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund

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. 486)

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

March 11, 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. 2204 An Act To Amend the Laws Governing
Commercial Vehicles

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.

REPORTS OF COMMITTEE

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Statutes

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act Pertaining to the Definition of 'Milk'"

(H.P. 1626) (L.D. 2262)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-460)** on Bill "An Act To Amend the Laws Governing the Taxation of Partnerships"

(S.P. 488) (L.D. 1400)

Signed:

Senators:

STRIMLING of Cumberland
NASS of York

Representatives:

PIOTTI of Unity
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

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

Signed:

Representative:

RAND of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-460)**.

READ.

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

The Bill was **READ ONCE. Committee Amendment "B" (S-460)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 19, 2008.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-454)** on Bill "An Act Regarding Certain Activities of Electric and Gas Utilities"

(S.P. 815) (L.D. 2135)

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLANCHARD of Old Town
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:

Representatives:

THIBODEAU of Winterport
CURTIS of Madison
RINES of Wiscasset
FLETCHER of Winslow
FITTS of Pittsfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454)**.

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-454)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 19, 2008.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-755)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund

(H.P. 1209) (L.D. 1726)

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox
DIAMOND of Cumberland

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
BROWNE of Vassalboro
HOGAN of Old Orchard Beach
ROSEN of Bucksport
CEBRA of Naples
THERIAULT of Madawaska

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

Signed:

Representatives:

MARLEY of Portland
FISHER of Brewer
THOMAS of Ripley

READ.

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

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As we consider this piece of legislation, I want to let the body know that the Natural Resources Committee and Department of Environmental Protection have, for many years, relied on the Surface Water Clean-Up Fund, which derives its fees from a percentage of oil that is transported in Maine. That fee is terribly important for cleaning up oil spills which we have on a regular basis, an average of two a day, and the bill, as written, could draw all fees from fuel sold in Maine, and that could be a problem for us in terms of retaining funds for the Surface Water Clean-Up Fund. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I present to you LD 1726, which is a Resolution, "Proposing an Amendment to the Constitution of Maine to Guarantee the Integrity of the Highway Fund." This bill is about integrity, it is about perception, and it is about righting a wrong.

The public sees these transfers, borrowing, creative shifting of highway dollars, and they are not happy. I know because I have heard from my own constituents about this very issue. They are not supportive of this practice, and our constituents need to be heard. This is a chance for us to recognize this practice and correct it together. It is about dedicated revenues staying truly dedicated. This bill does just that: it protects the Highway Fund to be used for its intended purpose, as defined in our Constitution, and not for any other reason.

I wanted to protect the dedicated revenues of the Highway Fund, and ensure that these funds be spent to fix our aging bridges and crumbling roads. Anybody who has driven on Maine roads in the past week or two cannot argue this fact. No matter where you live, we need these highway dollars protected. This bill, in its amended form, will not only protect the Highway Fund for its intended purpose, but also allow Maine voters to give the

Legislature a clear direction on protecting dedicated funds. Why do we need to keep these funds protected; to protect our aging infrastructure? We should do this because it is the right thing to do, and what better way to demonstrate to the voters of Maine that we, the Legislature, all of us, from both sides of the aisle will protect the dedicated accounts when the need is so great.

Ladies and Gentlemen, please follow my lead for integrity. It is not about just the dedicated revenues; this is about giving the voters an opportunity to clearly define the Constitution concerning our Highway Fund dollars. A green light means that you support responsibility and doing the right thing for all of Maine's roads and bridges. 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 was not going to speak on this issue, but I have to thank the good Representative from Topsham, Representative Prescott, who I appreciate bringing up the issue, but we throw integrity out there and we talk about integrity of the Fund, and I think that is unfair. I think she hit it on the head as far as talking about perception, because money is not owed back and forth—that is a myth that drives me insane.

The General Fund bond is still being paid off to go towards the Highway Fund. Governor McKernan's administration was one of the worst about moving money back and forth; money has been moved back and forth. If we continue this myth, we are never going to fix the infrastructure, she is absolutely right, though we are all hearing about it as far as need and to take care of. That piece is just a misnomer, it is a red hair, and it is a political argument that I think is inappropriate here.

I am opposed to this; I am one of the three that are opposed to it. Let me read the language, what it would say on the ballot: "Do you favor amending the Constitution of Maine to require that certain transportation-related revenues be placed in the Highway Fund and to require that all funds in the Highway Fund be used solely for specified transportation-related purposes?" The point is, and she right on this point, as far as we want to make sure those moneys are being used in their proper way.

I think the good Representative from Bar Harbor, Representative Koffman's, is the unintended consequences, and the one he mentioned today just percolated in the last 24 hours, which is around how the Fund is currently set up. Some moneys flow into it as a holding place; those are not technically dedicated highway funds. The Highway Fund actually has other revenues that are not constitutionally protected, because they are not fuel-taxed revenues. They go into the Highway Fund and then they are distributed, in the case that Representative Koffman talked about, the Department of Environmental Protection, and I believe there are millions of dollars that could go in there and almost become like a catch basin. Those moneys would be put to a good purpose of transportation related; however, we would lose millions of dollars for the environmental issue. I think that is the point he is talking about, the unintended consequences.

Let's not make this a political vote. If you think that this is something that is important to you and your constituents, by all means, support it; however, I truly do not feel that this is going to do anything other than create a perception, and may even just perpetuate that myth that money is being moved back and forth. We have not done that. One of the things that people like to point at is the Marine Maritime Highway's money moving back and forth. This actually clarifies that; that is, in fact, part of the Highway Fund. Make an informed decision; do not make a political decision. I am opposing this and when the vote is taken, I would ask for a roll call, Mr. Speaker.

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

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

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

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was going to just ask for a roll call, but Representative Marley has already done that.

I am opposed to the motion. I think if you look at the language, the bill in its present form does absolutely nothing. In these tight economic times, as we all know, limited resources are what we have to work with and to send something out to voters that does nothing is, in my view, not a wise use of our resources or our time. There really is nothing substantive in the proposed language that does anything to change anything, so I am opposed to the motion.

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. For those of us who have been here a little while and have looked at some of the creative accounting practices we have used in the past, I just went back in my files and pulled out an analysis dated April 11, 2006, and this is a result of looking at some of the transfers back and forth and the other creative accounting schemes. This is since 1982: We moved \$8.2 million from the Highway Fund to the General Fund, and we did it by changing the ratio on the State Police funding. We moved \$6.4 million from the Highway Fund to the General Fund, and we did it by having the DOT purchase their building. We moved \$5 million—well actually, this was really good: The Highway Fund paid to repair the Payne Bridge, which we sold to the Turnpike Authority, and then took the \$5 million and put it in the General Fund.

This is a matter of making a statement that says there is always a compelling reason, when we are in times like we are, to rationalize pulling money out of one account, to put it in another with all good intentions. But I would suggest that with the state and the condition of our highways and bridges, and from what I hear from constituents, they do not mind paying gas tax, which surprises me; they do not mind it going up every year. What they do mind, either real or perceived, is when we take—we take—the gas tax dollars and use them for other purposes, and people are driving around potholes a foot and a half deep.

This is time to make a statement and give the people of Maine a clear choice to make with a constitutional amendment. Let us stand together and say we may have done it in the past with good intentions, but we are committed that we will not do it again. We will solve the problem, not find the easiest solution. Thank you very much, Ladies and Gentlemen.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that is going to make a lot of people feel better, but it is not going to do much. The Highway Fund is already protected under the Constitution.

The problem I have with this bill is two or three years ago, we decided to stop paying for the ferries off the Maine coast from the General Fund, and we decided to take it out of the Highway Fund. That is not included in our constitutional protection, but this amendment protects it so that we can now pay for the ferries. But we do not pay for all of the ferries; we do not pay for the Casco Bay ferries, only the Maine state ferries. This is, in fact,

going to take money from the Highway Fund; it is not going to protect it in any way shape or form. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It might seem unusual that I would stand up to speak on this bill.

Earlier this year, I co-chaired with Senator Damon, a committee regarding the split, if you will, between Highway and General Fund. One of the issues that became abundantly clear is there is one provision of the Highway Fund, which says that the money may be used for the enforcement of traffic laws. Now, there have been several Attorney Generals' opinions over the years about what that means; there have been several interpretations by this Legislature made by its movement of money from one to another, about what this means. I think to this point that we have not satisfactorily answered the question of what is included in that amount for enforcement of traffic laws. Clearly, it means our state police are on the highway stopping people who are disobeying the speeding laws; however, if they subsequently determine that there are drugs in that car and they are on that call because it was a highway stop, is that included in the enforcement of traffic laws, or isn't it? We do not know the answer to that question yet.

There are other questions that come up: What about court time that our state officers are spending in the pursuit of these traffic enforcement laws? Is that included, or is that not included? I would say to you that we are far from ready to send this out to the people of the State of Maine and ask them to protect that, when we have not yet even established what the criteria are for the cost of enforcement of traffic laws, so I would encourage an Ought Not to Pass vote on this.

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

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is an old Irish blessing—May the road rise to meet you—but I would suggest to you, hopefully not in a frost heave and a bump.

As I thought about today's debate on this very important issue, a jingle came to mind:

Once upon a time in the busy Town of Gray
A road was built, the Wildlife Parkway.
It built out for \$8 million to its tune
Rite Aid and Hannaford, interest came soon.
Energy and new jobs created to aspire
Sounds and looks better than a stinking flat tire.

I share this with you because, had the funds not been in place for the project that took place in Gray that answered 40 years of congested traffic, our town would not now be looking and heading forward to more economic growth. With just the build out of the Parkway, on each end there is new, rejuvenated energy with business interests, business interests which are larger; some of them are relocates, some of them are brand new. These are bringing new jobs to our community, much needed by our younger people and even some of our semi-retired people.

Good maintenance in our roads is a win-win economically for us. First, road construction repair generates so many projects across our state that are bid out to our contractors; we all know how many they employ. Secondly, the finished product allows the businesses to go forward, as I said, in our case in Gray, to relocate to better positions or build out, bring in new; it is an absolute economic energy generator.

Ladies and Gentlemen, our present road situation is

horrendous. Recently, a few of our legislators in our district area took the commissioner out—and what amazes me is that people feel that it is their road that has deteriorated—and as we traveled around, if you talk to all your constituents and you blend all that information together, you will find out that everybody has a very severe safety condition in their area. Transpose that to the entire state.

Let's stop fighting over why it was taken, if it was taken, and let's just address the incredible need to take care of the infrastructure—safety, one; economic growth, two—all the reasons are there, and to use the excuse that we may need the money only feeds the situation that we find ourselves in today. We have to protect these resources and keep our growth and our infrastructure moving forward. I urge you to focus, focus, focus. Our infrastructure is the way we get from here to there, and actually devised the only Maniac saying "You can't get there from here." We need to go there. Please, help us by protecting these funds so that we can move forward in Maine's future. Thank you very much, Mr. Speaker.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues and Friends. After hearing Representative Marley speak and hearing some of the other speakers speak, I thought I was going to do the political correct thing and support this issue, but having thought the whole issue through and listening to debate today, I am going to oppose this motion; and realizing that we are talking about protecting resources and the need for roads and bridges, I can stand tall today and say that I supported every highway bond issue that came forward from this body because of the hundreds of millions of dollars that would have come from the Federal Government that we denied our citizens the ability to use to protect our roads and bridges in the State of Maine; and that this, in fact, does nothing because it is already on the books.

I can feel proud that I supported those bond issues, and many of the people who are in this body who are saying we have to do these things to protect our roads and bridges and infrastructure, in fact, did not support those bond issues, and the revenue generated by this actually will never get us to a point where we can protect our infrastructure and move on. It is actually going to take a lot more money than our gas tax raised, so I would ask that you vote Ought Not to Pass on this issue; and if you want to do the right thing, get some highway bond money out there and help the people of the State of Maine for our roads and bridges. Thank you, Mr. Speaker.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not great on political correctness; I am not great on borrowing our way out of debt. I support this Resolution, and I urge you to.

I think the question of State Police funding is going to be answered later when we have the report of the new state police questionnaire, where they are going to have a different way of recording how much time they spend. We know that any department within the state has all kinds of money problems. What we need to do is to be sure that we best utilize these dedicated funds for good highway improvement. Good highway improvement improves economic development and, also, everybody knows it is a job multiplier. I think that no one in this body or anyone within an earshot can say that they have good roads. Again, I urge you to support this; it is needed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know there is no one that drives on the roads right now that does not feel the impact of our infrastructure failing us. I know that I am not the only one that hears people in their hometown, or from their constituency, that say what are you doing up there; where is the money going; we are paying good gas tax dollars, and we are not getting any results for our money. I think this is an opportunity for us to say that we hear your concerns; we understand that you believe there are rumors around that we swap out money, or their perception that the gas money is not being spent where it is supposed to be spent. This gives us the opportunity to say we hear you; we understand your concerns; we are following through; and we are presenting you the opportunity, to reinforce that those rumors and perceptions do not occur in the future. Thank you.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be supporting the Chair of Transportation on this bill, mostly because I feel like spreading rumors; and if it is already constitutionally protected, the way to stop spreading rumors is to stop spreading rumors. 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 have a number of notes asking for clarification on several pieces that have been stated today, so I am going to try to go through them as best as I can.

The Representative from Ripley, Representative Thomas, talked about new moneys in the Highway Fund for the state ferry service. Those moneys are currently in there; it was done about four years ago, based on an attorney general's report that basically says these island services that carry car service, you could build a bridge to those islands; it would be cost prohibitive and make no sense; the most cost effective way to allow those islanders to get back and forth with motorized transportation is a ferry service, so that is considered the Maritime Highway. That money is currently in there. This constitutional amendment would clarify and continue to have that in there.

The good Representative from Winslow, Representative Fletcher, brings me back to déjà vu all over again. This takes me back, I think, four years ago as well, Representative Fletcher, when that same spreadsheet which is very difficult to discuss when you do not have it in front you, was used during another bond debate. That is the frustration, and someone actually said I did admit that I am insane because it drives me crazy when we talk about integrity; those are the things that put me over the edge.

We need to make sure that we put this all on even footing. Representative Patrick, from Rumford, hit it on the head: This will make you feel good, but if you do not fund the roads, you have not done anything other than create a political slogan. I always kid when people want to run for my seat this time around, I say, "Lies; darn lies and political slogans," and that is what you are going to get here. We need to take care our roads; we need to face the reality that people are using less gas because gasoline has gone up. The gas tax is set; it is stagnant. We are actually losing money, and then putting on top of that inflationary costs.

The best that we could do here and I hope future Legislatures will do—that is what the Representative from Rumford, Representative Patrick, said—is support bonds; support the

transportation budget. Let's not politicize this. All of our roads, everyone is right about that: they are nonpartisan roads. The best stimulus package that we could pass, and job package, would be a bond this session. Politically, is that going to happen, I do not know; but if you want to put any sort of support behind your rhetoric, everyone here that is going to support this, I hope, will support a bond package and the transportation budget. Thank you.

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

ROLL CALL NO. 241

YEA - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Gifford, Giles, Greeley, Hamper, Hanley S, Jackson, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Miller, Moore, Muse, Nass, Norton, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Tuttle, Vaughan, Weaver, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Craven, Crockett, Dill, Driscoll, Duchesne, Eberle, Faircloth, Farrington, Flood, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Koffman, Lundeen, Makas, Marley, Mazurek, Mills, Miramant, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Richardson D, Simpson, Smith N, Sutherland, Thomas, Treat, Trinward, Valentino, Wagner, Walker, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Blanchette, Connor, Conover, Dunn, Duprey, Fischer, Fisher, Gould, Millett, Watson.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The RESOLUTION was **READ ONCE. Committee Amendment "A" (H-755) was READ** by the Clerk and **ADOPTED.** The RESOLUTION was assigned for **SECOND READING** Wednesday, March 19, 2008.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-756)** on Bill "An Act To Maintain the Amount of State Land That Is Open for Hunting"

(H.P. 497) (L.D. 648)

Signed:

Senator:

BRYANT of Oxford

Representatives:

JACKSON of Allagash

GIFFORD of Lincoln

CARTER of Bethel

SAVIELLO of Wilton

FINCH of Fairfield

McLEOD of Lee

WHEELER of Kittery
LUNDEEN of Mars Hill
BRIGGS of Mexico
SARTY of Denmark

Minority Report of the same Committees reporting **Ought to Pass as Amended by Committee Amendment "B" (H-757)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin

GOOLEY of Franklin

Representatives:

PIEH of Bremen

MAREAN of Hollis

PIOTTI of Unity

CRAY of Palmyra

PRATT of Eddington

EBERLE of South Portland

RICHARDSON of Carmel

READ.

Representative JACKSON of Allagash 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.

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

UNFINISHED BUSINESS

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

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

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

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

- In Senate, Senate **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.**

TABLED - March 17, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - Motion of Representative TARDY of Newport to **RECEDE** and **CONCUR.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

CONSENT CALENDAR

First Day

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

(S.P. 591) (L.D. 1684) Bill "An Act To Create the Maine Agriculture Protection Act" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-455)**

(S.P. 788) (L.D. 1994) Bill "An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships and

Limited Liability Companies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-457)**

(S.P. 799) (L.D. 2005) Bill "An Act To Clarify the Sales Tax on Prepared Meals" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-461)**

(H.P. 593) (L.D. 775) Bill "An Act To Create a Special License Plate To Support Breast Cancer Support Services" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-766)**

(H.P. 1409) (L.D. 2025) Bill "An Act To Provide Degree-granting Authority to the Landing School of Boatbuilding and Design" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-759)**

(H.P. 1411) (L.D. 2027) Bill "An Act To Provide Parents of Children with Disabilities Access to Ombudsman Services" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-760)**

(H.P. 1434) (L.D. 2050) Bill "An Act To Protect Maine Consumers of Electricity" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-767)**

(H.P. 1440) (L.D. 2056) Bill "An Act To Conserve Gasoline and Preserve Clean Air" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-765)**

(H.P. 1548) (L.D. 2174) Bill "An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)**

(H.P. 1602) (L.D. 2241) Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-762)**

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

(S.P. 745) (L.D. 1934) Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-458)**

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 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)

(S.P. 758) (L.D. 1964) Resolve, To Determine Appropriate Buffer Zones for Landfill Construction and Expansion (C. "A" S-450)

(S.P. 790) (L.D. 1996) Bill "An Act To Allow Changes of Beneficiaries under the Maine Public Employees Retirement System" (C. "A" S-453)

(S.P. 792) (L.D. 1998) Bill "An Act To Provide Accessible Higher Education Financial Assistance for Maine Families" (EMERGENCY) (C. "A" S-447)

(S.P. 804) (L.D. 2114) Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs (C. "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" (C. "A" S-449)

(H.P. 1567) (L.D. 2197) Bill "An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes"

(H.P. 1390) (L.D. 1952) Bill "An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection" (C. "A" H-758)

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

ENACTORS Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1378) (L.D. 1943)

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. 139 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 Special Education Evaluations

(H.P. 1387) (L.D. 1949)
(C. "A" H-699; H. "A" H-722)

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 5 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 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources

(H.P. 1533) (L.D. 2158)
(C. "A" H-724)

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. 121 voted in favor of the same and 6 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 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 1537) (L.D. 2163)

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 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

(H.P. 1541) (L.D. 2166)

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. 131 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 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

(H.P. 1543) (L.D. 2168)

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. 133 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 Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws

(H.P. 1397) (L.D. 2013)
(C. "A" H-720)

An Act To Enhance the Newborn Hearing Program

(H.P. 1492) (L.D. 2106)

An Act To Amend the Family Medical Leave Laws To Include Siblings

(H.P. 1514) (L.D. 2132)
(C. "A" H-725)

An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites

(H.P. 1517) (L.D. 2137)
(C. "A" H-711)

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 Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation

(H.P. 1539) (L.D. 2165)
(C. "A" H-712)

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

ORDERS

On motion of Representative PIEH of Bremen, the following Joint Resolution: (H.P. 1622) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARTER of Bethel, CRAY of Palmyra, EDGECOMB of Caribou, GIFFORD of Lincoln, LUNDEEN of Mars Hill, MAREAN of Hollis, PINEAU of Jay, PIOTTI of Unity, PRATT of Eddington, Senators: ROTUNDO of Androscoggin, SHERMAN of Aroostook)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, recent statistics show that Maine's 7,100 farms, the bulk of which are small, family-owned operations, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises provide more than \$600,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,360,000 acres of land, a vital resource in maintaining the food security of Maine people, and an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in New England in the value of aquaculture sales, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, second in the Nation in the production of maple syrup, eighth in the Nation in the production of fall potatoes, second in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources as a token of the esteem in which those in this vital field are held.

READ.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The only thing I would like to say is just let's remember: no farms; no food. Let's do everything we can to support our farms; and do remember the second floor is full of food; and The Grange, just a beautiful walk down past the rotary, this is their annual day to serve lunch to our Legislature. 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. I have conversations often times at the Farmer's Market with my customers who want to know what it is like to be a farmer. They have a very idealized view; and despite the Representative sitting directly in front of me, food actually has to get from the farm to Hannaford before you can buy it.

The best description I have for farming is to quote my husband, who says that "farming is the largest form of gambling in the State of Maine." But there is also a poem that I would like to read; it does not rhyme, it is one of those poems but it comes the closest to describing farm life. Representative Percy gave it to me from the collection she is reading from Garrison Keillor, and it is "Soybeans," by Thomas Alan Orr:

"The October air was warm and musky, blowing
Over brown fields, heavy with the fragrance
Of freshly combined beans, the breath of harvest.

He was pulling a truckload onto the scales
At the elevator near the rail siding north of town
When a big Cadillac drove up. A man stepped out,
Wearing a three-piece suit and a gold pinky ring.
The man said he had just invested a hundred grand
In soybeans and wanted to see what they looked like.

The farmer stared at the man and was quiet, reaching
For the tobacco in the rear pocket of his jeans,
Where he wore his only ring, a threadbare circle rubbed
By working cans of dip and long hours on the backside
Of a hundred acre run. He scooped up a handful
Of small white beans, the pearls of the prairie, saying:

Soybeans look like a foot of water on the field in April
When you're ready to plant and can't get in;
Like three kids at the kitchen table
Eating macaroni and cheese five nights in a row,
Or like a broken part on the combine when
Your credit with the implement dealer is nearly tapped.

Soybeans look like prayers bouncing off the ceiling
When prices on the Chicago grain market start to drop;
Or like your old man's tears when you tell him
How much the land might bring for subdivisions.
Soybeans look like the first good night of sleep in weeks
When you unload at the elevator and the kids get Christmas.

He spat a little juice on the tire of the Cadillac,
Laughing despite himself and saying to the man:
Now maybe you can tell me what a hundred grand looks like."
Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

Pursuant to House Rule 201.1.H, the Speaker appointed Representative PRATT of Eddington to serve as Speaker Pro Tem for Wednesday, March 19, 2008.

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

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

Representative **HASKELL**: Thank you, Mr. Speaker. Had I been present for Roll Call No. 231, on March 10, 2008, I would have voted yea; and have I been present on March 13, 2008, for Roll Call No. 235, I would have voted yea; and I would like the record to reflect so. Thank you.

On motion of Representative PRATT of Eddington, the House adjourned at 10:27 a.m., until 9:00 a.m., Wednesday, March 19, 2008.