

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Wednesday, March 19, 2008

Representative PRATT of Eddington assumed the Chair.

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

Prayer by Most Reverend Richard J. Malone, Roman Catholic Diocese, Portland.

Colors presented by Franco American War Veterans' Color Guard, Post 31, Lewiston.

National Anthem by Melanie Saucier, Fort Kent.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System"

(H.P. 1628) (L.D. 2265)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BLISS of South Portland, Speaker CUMMINGS of Portland, FITTS of Pittsfield, FLETCHER of Winslow, PINGREE of North Haven, PRATT of Eddington, TARDY of Newport, Senator: SMITH of Piscataquis.

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

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative PRATT of Eddington, the following Joint Resolution: (H.P. 1629) (Cosponsored by Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BERUBE of Lisbon, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CAREY of Lewiston, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Augusta, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, CURTIS of Madison, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, DUPREY of Hampden, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FINLEY of Skowhegan, FISCHER of

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

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, 2008 marque le quatre-centième anniversaire de la fondation de la ville de Québec, un événement qui a introduit la culture française au Nouveau Monde; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-troisième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 19 mars, 2008 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the Francophone world; and

WHEREAS, 2008 marks the 400th anniversary of the founding of Quebec City, an event closely linked to the introduction of French culture into the New World; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; 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, proclaim that Wednesday, March 19, 2008 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

READ.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative PRATT: Merci, Président Cummings. Thank you, Mr. Speaker. I promise to be brief, but I do want to rise and have everyone take a look at and realize and look at this Resolution, and look around this body and see how far we, as Francos, have come. We have been here a very, very long time—a very long time—and we are still here, and we are proud to be here. Just by looking over the board, you will see many Franco surnames here.

There has been a revival that I am very proud to be a part of in this state, where we are reclaiming our language. Those who have lost it are reclaiming it; those who once felt shame, or were not allowed to speak in school or at work are now allowed to and are encouraged to do so. We have come a very, very long way, and I am proud to be here in this House with so many other Francos; and all of the guests we have today; and with Congressman Michaud, the first Franco congressman from the State of Maine. It is a big deal, and I just urge you all to think about it and use your experience as best as you can in your life to understand and realize what people go through.

I am very proud, I am very happy to be here, I am proud to be the sponsor of this Resolution, and I thank you for your time. I do want to thank all the folks who have come down here today to show their support for not only this day, but for a very vibrant, very alive and very real culture that surrounds us in this state and has for quite some time. Thank you very much, Mr. Speaker; thank you, Men and Women of the House; merci.

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

Sent for concurrence. **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Pearley and Alice LaChance, of Waterville, on their being inducted into the Franco-American Hall of Fame for their lifetime of work and support of the French heritage in Maine. Mr. and Mrs. LaChance grew up speaking French at home and attending bilingual elementary parochial schools in the Winslow and Waterville areas. Mr. LaChance attended evening classes on Franco-American Culture at Waterville High School Adult Ed and attended Franco-American courses, seminars and conferences. He was an active member of the group that founded the "Le F.A.R.O.G. Forum" at the University of Maine. In 1975 Mr. and Mrs. LaChance ventured to French-speaking Algeria, Mr. LaChance as a machine tool instructor and Mrs. LaChance as a coordinator welcoming newly arriving families from the United States, Canada and Europe. Retirement has allowed Mr. and Mrs. LaChance to be active participants in Franco-American groups such as the Bavards, the Franco-American Heritage Society of the Kennebec Valley and the Franco-American Heritage Center in Lewiston as well as volunteering in many other organizations. Mr. LaChance has conducted tours for school and adult groups of the "Museum in the Street," which highlights the contributions of Franco-Americans to the Waterville Area. In 2004 they served as the Honorary Memere and Pepere for the Franco-American Festival in Waterville. We extend our congratulations to Mr. and Mrs. LaChance on their induction into the Franco-American Hall of Fame;

(HLS 1106)

Presented by Representative CANAVAN of Waterville. Cosponsored by Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative CRAVEN of Lewiston, Representative CROCKETT of Augusta, Representative JACKSON of Allagash, Representative MAKAS of Lewiston, Representative MUSE of Fryeburg, Representative PRATT of Eddington, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator MARTIN of Aroostook, Senator MARRACHÉ of Kennebec, Senator ROTUNDO of Androscoggin, Senator SULLIVAN of York.

On **OBJECTION** of Representative FLETCHER of Winslow, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It is my privilege to recognize Pearley and Alice LaChance on their induction into the Franco-American Hall of Fame. Congratulations, Pearley and Alice.

As you have heard, Alice and Pearley's history is one of growth, adventure and excitement. But you should know that they first met as teenagers, where else, at a Waterville-Winslow sports event. For those of us who are from that area, that is the heritage. That is why we will never be able to consolidate schools between Waterville and Winslow; we won't have the battle of the rivers. We just cannot do that.

As we just learned a few years later, they left Maine and traveled to Algeria for another adventure and, also, utilizing their skills and knowledge to help people in other places but, as always, Maine was home. Alice and Pearley returned. That is where Pearley went on and earned a B.S degree in vocational technical education from the University of Southern Maine; and Alice went on to earn an associate degree from Forsyth Technical Institute—I wish I could speak French, I could do this a lot better.

In 1982, they returned to Algeria again on another adventure, where Pearley served as a training director for four years. And then it was time to come home again, and they continued to work in the local community and Pearley—this is significant because of the heritage of the Maine Community College System—served as the coordinator for the Maine Apprenticeship Program, with the then Maine Technical College System.

Then when they retired, they really went to work and they were active in many of the Franco-American groups. You should know that Pearley was instrumental in bringing the Museum in the Street Program alive, which, as you know, highlights the contributions of Franco-Americans in the Waterville area. But there is one piece of information that was not contained that is really significant: You have not lived until you have had eggs by Pearley and tourtières by Alice; they are the best of the best.

I hope you realize, as I have realized, that Alice and Pearley are the quintessential renaissance couple. Congratulations and thank you for all you have done for the people in our area. Thank you.

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

Recognizing:

Madeleine Giguere, of Lewiston, on her being inducted posthumously into the Franco-American Hall of Fame for her lifetime of work and support of the French heritage in Maine. Professor Giguere, an internationally recognized sociologist, was known locally and regionally as "la marraine," the godmother, of Maine's Franco-Americans. Professor Giguere had a long and distinguished academic career, specializing in ethnic and women's issues. She taught at St. Joseph's College and Boston College before accepting a position at the University of Southern Maine where she established Franco-American Studies as a legitimate and important part of her curriculum. The author and editor of numerous publications about Franco-Americans, she was an authority on the analysis of ethnic components of the United States Census since 1970. She served on statewide committees defending women's rights and promoting Franco-American contributions to Maine's development. In 1992, the Library of Congress recognized her for her contributions to Acadian culture. Professor Giguere was instrumental in establishing the Franco-American Heritage Collection at Lewiston-Auburn College. The Reading Room at the Franco-American Collection and a scholarship fund have been named in her honor;

(HLS 1107)

Presented by Representative MAKAS of Lewiston. Cosponsored by Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative CANAVAN of Waterville, Representative CRAVEN of Lewiston, Representative CROCKETT of Augusta, Representative JACKSON of Allagash, Representative MUSE of Fryeburg, Representative PRATT of Eddington, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator SNOWE-MELLO of Androscoggin, Senator MARTIN of Aroostook, Senator MARRACHÉ of Kennebec, Senator ROTUNDO of Androscoggin, Senator SULLIVAN of York.

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. Merci, Monsieur Président. J'ai eu le privilège de rencontrer Madame le Professeur Giguere il y a 15 ans, quand j'ai commencer d'enseigner au Collège de Lewiston-Auburn.

I had the pleasure of meeting Professor Giguere 15 years ago, when I began to teach at Lewiston-Auburn College.

A l'époque, Madame le Professeur Giguere a pris sa retraite professionnelle d'enseigner, mais elle a continué de renseigner les gens au sujet des Francos qui a contribué énormément à notre état de Maine et à Lewiston-Auburn.

By that time, Madame Professor Giguere had retired from classroom teaching, but she continued to educate people about the enormous contributions of French people to our state and our cities.

La collection Franco-Américain a Lewiston-Auburn Collège garde une partie de notre histoire essentielle. Cette collection existe a de cause de Madame le Professeur Giguere. C'était elle qui a commencé à ramasser les artefacts et de les garder pour la postérité.

The Franco-American collection at Lewiston-Auburn College has maintained a part of our important history. It is because of this wonderful woman that we have collected so many of the artifacts and kept them for posterity.

Madame le Professeur a crée les bourse pour les étudiants pour étudier l'histoire des Franco-Américains en Maine.

Professor Giguere has left a generous endowment to support the continued study of our state's Franco heritage. I am honored to have been able to nominate and see her inducted into the Franco-American Hall of Fame. Thank you.

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

Recognizing:

On motion of Representative CANAVAN of Waterville, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Pearley and Alice LaChance, of Waterville

(HLS 1106)

Was **PASSED**.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This story of Pearley and Alice LaChance, of Waterville, exemplifies in the truest sense of the meaning "the Franco-American experience here in Maine." No two people could be more deserving of induction into the Franco-American Hall of Fame.

As first generation Franco-Americans, Pearley and Alice grew up speaking French at home, and attended bilingual elementary parochial schools in the Winslow-Waterville area. As my esteemed colleague from Winslow has mentioned, they met as teenagers at a basketball game, eventually marrying and then had four children, all grown now, and all successful in their chosen fields: One is a teacher; another a flight commander with the U.S. Air Force; another an engineer; and another is a reimbursement specialist.

At first glance, theirs is an average sounding story, but the experience of Pearley and Alice LaChance holds lessons for every single ethnic group that has ever struggled to gain a foothold here in America. On the surface, it seems like their lives were easy, but they were not. Like so many Franco-Americans that chose to make Maine their new home, they had a language barrier to overcome, and cultural differences as well. But when you read between the lines of their story, you see a pattern emerge that suggests how it was that Pearley and Alice managed to overcome the obstacles that stood in their way, and how they managed to adapt so well to their new lives without ever losing sight of the value of their Franco-American heritage.

First and foremost is their strong work ethic, so typical of Franco-Americans everywhere. Second is the premium they placed on education, for themselves, as well as for their children. And the third thing that looms large in the story of Pearley and Alice LaChance, is the pride they have consistently demonstrated in their heritage: Both are active members of several Franco-American groups, including the Bavards, a group that seeks to encourage French as a second language; and the Franco-American Heritage Society of the Kennebec Valley, an organization that works to recognize the many contributions of Franco-Americans to the community and to that state.

The story of Pearley and Alice LaChance is a story of two lovely people, who by dint of hard work, courage and endurance—and a wonderful sense of humor by the way—were able to experience the American dream, while never forgetting the rich culture of their foremothers and their forefathers. Thank you, Mr. Speaker.

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

Recognizing:

Rachel Desgrosseilliers, of Auburn, who has been inducted into the Franco-American Hall of Fame for her lifetime of work for and support of French heritage in Maine. Ms. Desgrosseilliers's family immigrated to Lewiston from St. Ludger, Canada. She grew up speaking French in the vibrant Francophone world of Lewiston, going to L'Eglise St. Famille and reading *Le Messager*. Preserving the history, telling the stories and honoring the memory of Franco-Americans have been a great part of Ms. Desgrosseilliers's professional life for the past decade. Ms. Desgrosseilliers has been the director of the Museum L-A for the past 3 years. We extend our congratulations to Ms. Desgrosseilliers on her induction into the Franco-American Hall of Fame;

(HLS 1108)

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative SIMPSON of Auburn, Representative SAMSON of Auburn, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative CANAVAN of Waterville, Representative CROCKETT of Augusta, Representative JACKSON of Allagash, Representative MAKAS of Lewiston, Representative MUSE of Fryeburg, Representative PRATT of Eddington, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator ROTUNDO of Androscoggin, Senator MARTIN of Aroostook, Senator MARRACHÉ of Kennebec, Senator SULLIVAN of York.

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

READ.

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

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my distinct pleasure to have been one of the many people who nominated Rachel Desgrosseilliers, of Auburn, to be inducted into the Franco-American Hall of Fame. Rachel is the Executive Director of the Museum L-A, and is a true gem in our community.

Rachel's work to preserve the culture and heritage of the Franco-American community is intense and ongoing daily. Rachel has worked tirelessly to gather and preserve items from the heyday of the Industrial Revolution in Lewiston and Auburn that would otherwise be lost forever.

But I know that what Rachel is most proud of are the oral histories that she has gathered and preserved forever, in portrait and in print, of the Franco-American workers in the Lewiston-Auburn area. She has also created a form that will last forever to preserve the histories of people's lives, the artifacts, and the time when our community was created. Rachel does this work with care, love and attention, and pride. She takes time for every individual that comes to Museum L-A, giving tours, answering questions and giving history lessons. I certainly remember that and am very grateful for her great hospitality for members of my own family that came from away this summer, and Rachel took hours and hours to walk us through the museum. Thank you, Rachel, and congratulations, and we are so proud of you.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to rise and

just speak in honor for a second of Rachel.

I had the opportunity to serve with Rachel on a local task force and was able to observe, at close quarters, her passionate and forceful advocacy for the communities of Lewiston and Auburn; for Franco-Americans across the state and across the country; and for the human, historical and architectural heritage of Maine's mill heritage. I just want to thank Rachel for her work and wish her congratulations.

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. Je veux dire seulement merci à Madame Desgrosseilliers pour toutes les choses qu'elle a déjà fait, et tout les choses qu'elle continue à faire pour Lewiston-Auburn et pour tous les gens de Maine.

I want to simply say thank you to Sister Desgrosseilliers for all the things that she has already done for our city and state, and for the things she continues to do. Thank you very much.

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. It is a pleasure to stand in honor of Rachel Desgrosseilliers, of Auburn.

I grew up in Auburn and in my childhood, I remember sort of the disparaging talk in the school about people who are of Franco heritage, and it is a tribute to Rachel and people like her who always stood proud in response to that for their heritage; and the creation of the most recent exhibit at Museum L-A, which is "Portraits and Voices: Workers of Seven Mills." It featured displays and recorded interviews about the people who created and worked to create what was a unique cultural heritage in the Lewiston-Auburn area, and it is a celebration of Franco-American culture and heritage and the lives of working people—which I would encourage all of you, if you ever get a chance to come to Lewiston-Auburn, to go to the Museum and see what that is about—and changing the culture of Auburn and Lewiston to a place where a different heritage is celebrated instead of disparaged, is a tribute to a lifetime of work, and thank you for that.

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

Recognizing:

Julie D. Albert, of Madawaska, who has been inducted into the Franco-American Hall of Fame for her lifetime of work and support of French heritage in Maine. Mrs. Albert was born Juliet Daigle in St. David and attended Madawaska schools. She married Elmo Albert and they had 4 children. Having a lifelong interest in Acadian history, she wrote *Madawaska's Centennial Book* in 1969, single-handedly researching, interviewing and making sketches to produce a book that was about the people of the region. It is considered one of the most complete researches of the modern history of the St. John's Valley. She is an avid reader and has written a volume of poetry, and she is also a talented painter. Mrs. Albert is a life member of the Madawaska Historical Society. We extend our congratulations to Mrs. Albert on her induction into the Franco-American Hall of Fame;

(HLS 1109)

Presented by Representative THERIAULT of Madawaska. Cosponsored by Senator MARTIN of Aroostook, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BEAUDOIN of Biddeford, Representative CANAVAN of Waterville, Representative CRAVEN of Lewiston, Representative

CROCKETT of Augusta, Representative JACKSON of Allagash, Representative MAKAS of Lewiston, Representative MUSE of Fryeburg, Representative PRATT of Eddington, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator MARRACHÉ of Kennebec, Senator ROTUNDO of Androscoggin, Representative CLARK of Millinocket, Representative BOLAND of Sanford, Representative SUTHERLAND of Chapman, Representative SIROIS of Turner.

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

READ.

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

Representative **THERIAULT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is indeed a pleasure for me to stand here today and honor Julie D. Albert, to the Franco-American Hall of Fame.

Mrs. Albert has written the book on the centennial in 1969, which was the *Madawaska's Centennial Book*. Many of her family members—the Daigles, the Alberts—were some of the nine families that landed on the Saint John River in the 1700's. She has written about the Acadians in the Town of Madawaska, Madawaska, a town founded by Acadians; it reads as such on a plaque in the town office: A town founded by Acadians.

What I have to say today is merci Madame Albert, pour tout ce que vous avez fait pour le monde français, et acadien, de la vallée et la région de Madawaska. Your work in writing poetry and your paintings are just nothing but formidable. Merci beaucoup.

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

Recognizing:

Le Club Calumet, of Augusta, on the occasion of Franco-American Day, for its exemplary contributions to the French heritage of the Augusta area. Founded in 1922, the club's aims were the propagation of the French language and intellectual development, by means of music, literature and all things judged beneficial to the interests of Franco-Americans. Le Club Calumet Educational and Literary Foundation has made over 1,500 financial awards to students, totaling more than \$1,000,000 in grants, scholarships and interest-free loans. The club supports local sports teams and food banks and is a good neighbor in the community. As part of the club's civic contributions, it gives its Outstanding Citizens Award to non-Franco-Americans and its Medallion Award to Franco-Americans who benefit the community. In addition, Le Club Calumet hosts the annual Le Festival de la Bastille, a three-day event to celebrate Franco-American culture. We acknowledge the importance of Le Club Calumet, not only to the City of Augusta, but to the State of Maine, as we join the members in celebrating Franco-American Day in the State Capitol. We extend our appreciation to the good members of Le Club Calumet;

(HLS 1111)

Presented by Representative CROCKETT of Augusta. Cosponsored by Representative SILSBY of Augusta, Representative BROWNE of Vassalboro, Senator MITCHELL of Kennebec, Representative TUTTLE of Sanford, Representative CAREY of Lewiston, Representative AYOTTE of Caswell, Representative BOLAND of Sanford, Representative BEAUDOIN of Biddeford, Representative CANAVAN of Waterville, Representative CLARK of Millinocket, Representative CRAVEN of Lewiston, Representative JACKSON of Allagash,

Representative MAKAS of Lewiston, Representative MUSE of Fryeburg, Representative PRATT of Eddington, Representative SIROIS of Turner, Representative SUTHERLAND of Chapman, Representative THERIAULT of Madawaska, Representative TRINWARD of Waterville, Representative WAGNER of Lewiston, Senator MARTIN of Aroostook, Senator MARRACHÉ of Kennebec, Senator ROTUNDO of Androscoggin.

On **OBJECTION** of Representative CROCKETT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. The French Canadians have been present in Maine since 1611. In the 1880's, large numbers migrated to Augusta from Quebec Province. They were lured here by the "quick money" they thought they could make at the Edwards Mill. They lived in mill housing and quickly filled up "the hill," as the north end of our city was called.

In September 1922, a group of 24 Franco-Americans met in the basement of Morin's Shoe Store, on Water Street in Augusta. The result of that informal meeting has become one of the foremost Augusta civic organizations: Le Club Calumet.

At the first gathering, they decided the club would coordinate the interest of its members and give the Franco-Americans a voice, not only in the actions of its own group, but also in the affairs of the community as a whole. The club's purpose was the propagation of the French language, the development of Franco-Americans by means of music, literature, education and anything else the club judged beneficial to the interest of Franco-Americans.

Over all these years, one of the ways the club has supported this goal is by advising students to pursue higher education. Beginning in 1922, Le Club Calumet appointed a committee to encourage students to continue their education by enrolling at Cony High School. Later, the club set up a scholarship fund for students of Franco-American descent, and in 1949, awarded the first four-year scholarship. In 1957, all club members were assessed one dollar of their birth to be deposited into an education fund to help students pursue post high school education. The birthday dollar program continues to this day.

In 1965, the group spearheaded an effort to organize a system that would exist as a separate entity with its own charter: the Calumet Educational and Literary Foundation. To date, they have given away over \$1 million to area students.

In addition to the scholarship program, the club holds many events during the year. I believe that most everyone in the Augusta area has fond memories of special occasions they attended at the Calumet Club, either weddings, meetings, class reunions, seminars, dances, funerals brunches or banquets, the club is a great place for the community to get together. I am proud to have Le Club Calumet in my district; and on behalf of Representative Browne, Representative Silsby and the entire Maine Legislature, I want to thank the officers of the Calumet Club for all they do for our community.

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

Recognizing:

Dr. Larry S. Taub, of Falmouth, upon his retirement as the Superintendent and Chief Executive Officer of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in Falmouth. Dr. Taub is

respected and admired by all at the Governor Baxter School for the Deaf and has served with great honor and distinction for 8 years. Beginning July 1, 2008, Dr. Taub will serve as Head of School for the Pennsylvania School for the Deaf. He will be the first deaf individual to head the Pennsylvania school. Dr. Taub's departure from the Governor Baxter School for the Deaf will be a great loss to the State. We wish him all the best in his future endeavors;

(HLS 1116)

Presented by Representative SAVAGE of Falmouth. Cosponsored by Senator TURNER of Cumberland, Representative BRAUTIGAM of Falmouth.

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

READ.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is probably the only sentiment that does not have much to do with Franco-American Day, but the Pennsylvania School for the Deaf announced the Board of Trustees' unanimous decision to appoint Dr. Larry S. Taub as the 15th Head of their school beginning July 1, 2008.

Currently, Dr. Taub serves as a superintendent and CEO of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in Falmouth, Maine. Dr. Taub will be the first deaf individual to head the Pennsylvania school in the modern era.

Deaf since birth and a member of a multi-generational deaf family, Dr. Taub holds a Bachelor of Arts degree in History from Hofstra University, a Master of Arts in Education of the Deaf degree from NYU Steinhardt, and a Doctor of Education in Educational Administration degree from Columbia University.

Respected and admired by all at the Governor Baxter School for the Deaf, in spite of the fact that he remained a diehard Yankee fan, Dr. Taub served with great honor and distinction for eight years at the Governor Baxter School for the Deaf. Dr. Taub was given a large turnout reception at the school on March 14, 2008, with a lot of sadness at his leaving expressed by citizens, teachers, students, and friends who attended.

The Governor Baxter School for the Deaf sits on a small island just off Falmouth proper, and was left to the state and public by former Governor Percival Baxter. Dr. Taub's departure from the Governor Baxter School for the Deaf will be a great loss to Maine, but we wish him the best in his future endeavors. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to commend Dr. Larry Taub for his eight years of outstanding leadership as the Head of the Governor Baxter School for the Deaf, but I would also like to thank him for the outstanding way in which he interacted with the Appropriations Committee over the last eight years, five of which I have had the privilege of observing him. He has been an outstanding communicator, candid always, a great sense of humor, very responsive to our requests, and I thank him very much for that performance and that addition to a very difficult process.

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. I would like to echo the words that you have just heard. I, too, am very

appreciative of what Superintendent Taub has brought to the Education Committee. I would like him to know that personally he has raised my horizons through some of the things that he has brought to the Committee. I know that he and his staff have done a lot of good work for the deaf and hard of hearing community in our state, and I know that Pennsylvania's gain is truly our loss. I would like to wish him good luck in his new endeavors, and continue to have him know how much we appreciate what he has done for the State of Maine.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Transportation** on Bill "An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police"

(S.P. 888) (L.D. 2259)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 725.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Thursday, March 20, 2008.

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

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review"

(H.P. 1627) (L.D. 2264)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-763)** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1516) (L.D. 2136)

Signed:

Representatives:

MAKAS of Lewiston
 FARRINGTON of Gorham
 HARLOW of Portland
 EDGECOMB of Caribou
 McFADDEN of Dennyville
 MUSE of Fryeburg
 STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-764)** on same Resolve.

Signed:

Senators:

BOWMAN of York
 MITCHELL of Kennebec
 MILLS of Somerset

Representatives:

NORTON of Bangor
 FINCH of Fairfield
 SUTHERLAND of Chapman

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **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:

(S.P. 836) (L.D. 2176) Bill "An Act Relating to Studded Tires" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-462)**

(S.P. 837) (L.D. 2177) Bill "An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-464)**

(H.P. 1502) (L.D. 2122) Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1544) (L.D. 2170) Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1391) (L.D. 1953) Bill "An Act To Amend the Laws Relating to the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-769)**

(H.P. 1407) (L.D. 2023) Bill "An Act To Repeal the Cap on Rental Rates for State Submerged Lands" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-770)**

(H.P. 1477) (L.D. 2091) Bill "An Act To Protect Life Insurance Consumers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-774)**

(H.P. 1504) (L.D. 2124) Bill "An Act To Prevent the Theft of Certain Metals" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-771)**

(H.P. 1569) (L.D. 2200) Bill "An Act To Ensure Full Payment of Annuity Death Benefits" Committee on **INSURANCE AND**

FINANCIAL SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-772)**

(H.P. 1588) (L.D. 2222) Resolve, To Assist Maine's Forest Products Industry (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-775)**

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

(H.P. 1381) (L.D. 1945) Bill "An Act To Update the Regional Greenhouse Gas Initiative" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-768)**

On motion of Representative KOFFMAN of Bar Harbor, 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. 591) (L.D. 1684) Bill "An Act To Create the Maine Agriculture Protection Act" (C. "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" (C. "A" S-457)

(S.P. 799) (L.D. 2005) Bill "An Act To Clarify the Sales Tax on Prepared Meals" (C. "A" S-461)

(H.P. 593) (L.D. 775) Bill "An Act To Create a Special License Plate To Support Breast Cancer Support Services" (C. "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) (C. "A" H-759)

(H.P. 1411) (L.D. 2027) Bill "An Act To Provide Parents of Children with Disabilities Access to Ombudsman Services" (C. "A" H-760)

(H.P. 1434) (L.D. 2050) Bill "An Act To Protect Maine Consumers of Electricity" (C. "A" H-767)

(H.P. 1548) (L.D. 2174) Bill "An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma" (C. "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) (C. "A" H-762)

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.

(H.P. 1440) (L.D. 2056) Bill "An Act To Conserve Gasoline and Preserve Clean Air" (C. "A" H-765)

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

The Unanimous Committee Report was **READ**.

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

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

Bill "An Act To Amend the Laws Governing the Taxation of Partnerships"

(S.P. 488) (L.D. 1400)
(C. "B" S-460)

Bill "An Act Regarding Certain Activities of Electric and Gas Utilities"

(S.P. 815) (L.D. 2135)
(C. "A" S-454)

House as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund

(H.P. 1209) (L.D. 1726)
(C. "A" H-755)

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

**ENACTORS
Emergency Measure**

An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment

(S.P. 844) (L.D. 2193)
(C. "A" S-445)

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

On motion of Representative PERRY of Calais, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

Resolve, To Expand Access to Foreign Language Instruction in Maine Schools

(H.P. 1469) (L.D. 2083)
(C. "A" H-733)

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 Reduce Drunk Driving

(S.P. 266) (L.D. 856)
(C. "A" S-446)

An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District

(S.P. 747) (L.D. 1936)
(C. "A" S-444)

An Act To Allow Community Service in Lieu of Fines

(H.P. 1372) (L.D. 1938)
(C. "A" H-736)

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

(H.P. 1405) (L.D. 2021)
(C. "A" H-731)

An Act To Amend the Election Laws

(H.P. 1496) (L.D. 2110)
(C. "A" H-737)

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

(H.P. 1510) (L.D. 2131)
(C. "A" H-734)

An Act To Ensure the Integrity of Prepaid Calling Accounts

(H.P. 1550) (L.D. 2180)
(C. "A" H-744)

An Act To Further Clarify Worker Payments for Clothing and Equipment

(H.P. 1574) (L.D. 2205)

An Act To Expand the Natural Resources Protection Act Compensation Program

(H.P. 1589) (L.D. 2223)
(S. "A" S-456)

An Act Containing the Recommendations of the Criminal Law Advisory Commission

(H.P. 1600) (L.D. 2240)
(C. "A" H-735)

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

Resolves

Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting

(H.P. 1509) (L.D. 2130)
(C. "A" H-738)

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-739)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require Boating Safety Education" (EMERGENCY)

(H.P. 1451) (L.D. 2067)

TABLED - March 13, 2008 (Till Later Today) by Representative JACKSON of Allagash.

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

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I ask you to join with me in voting against this motion. This is something that it is time to enact in the State of Maine. We have had some tragedies on our lakes, as boats get bigger and lakes get more crowded.

Maine is one of just a few states that does not offer boater

education, and as something that was supported by the Department of Inland Fisheries and Wildlife and Marine Resources, stakeholders and the recreational boating community, and many citizens of the State of Maine, I ask you to help defeat this motion so that we can make our lakes safer for all of the people who wish to enjoy them, to assure the safety of our families and children and visitors as they come to recreate on Maine's lakes, and ask you to join me in defeating this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that this is a bill that is pretty hard to argue about. Safety is something that people do and should have, but I do not believe that this bill is actually going to do what the sponsor thinks it is.

This bill here is going to make it mandatory for people, over a five year period, to take a boating safety class, and if they do not take the class then they are not going to be able to register their boat, regardless of how much time they have been doing it. If they have been doing it for 40 years, if they have not had this class, then they are not going to be able to register the boat.

To not affect tourism, one of the provisions in it is to allow people here in Maine that rent boats, to decide if nonresidents should have the class or not. I do not know how I am going to be able to tell my constituents that you need to have a registration, but someone from New Hampshire might not have to have one. I mean, safety is a good thing; it has been compared to hunter safety, the hunter safety course. The problem I see with this though is it is not implemented by the state, it is implemented by a couple of organizations that are trying to do the best they can, but unfortunately, in many parts of the state, we do not have those organizations: the Coast Guard Auxiliary, obviously in northern Maine that is something that we have never seen much of; and the Power Squadron, which the closest one to me is Presque Isle, which is a 100 mile trip, and I do not know how active they are because I had never heard of them before until this bill came up.

The hunting safety program in the state, the state administers it, and there are people all over the state to do that so it is not as much of a burden. But this program here, the way it would be implemented, it would be very hard for the number of people who are going to do it, to get out there and do it. Even if people say they will take the class, I do not know if they are going to be able to keep up with the amount of people in the state that will have to do it, so that worries me.

Finally, the thing that worries me the most is while safety is an important thing, this bill does nothing to address lifejackets, and the amount of deaths that we have had over the last five years, almost all of them probably could have been addressed if people wore lifejackets. Many of the deaths that we have had over the last five years, if this bill had been in place, it would not have helped them because there are kayaks, paddle canoes; some of the deaths were people actually falling off docks, and I do not think that is something you can address in a mandatory safety boating class. We do not really have a huge problem here in Maine, and I do not see the reason that we should make people, again, that have had 40 or 50 years experience of safely operating a boat, how we are going to tell them that they cannot do that anymore, that they have to take the class, pay whatever amount of money it is, or take whatever time it is, the problem that I see is possibly there just is not enough people to teach this. I know for sure that in my area it is going to be a problem, so I ask you to support the Ought Not to Pass motion.

The SPEAKER: The Chair recognizes the Representative

from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on my good Chair's side on this particular bill because I do not think we need it, and I will try to explain it very quickly to you.

I think Representative Jackson alluded to the fact that if we looked at the last six or seven years of accidents, we would find a large percent of them are kayaks and canoes, and not motorboats.

Number two, the accident that occurred this summer was really a case of common sense. We cannot license common sense; this does not do that.

Lastly, at home, I am not going to go to a 70 year old man who has been boating all of his life, and let me add that I do not boat; if I did, I would, in fact, take a class and learn how to do that; I probably would scare the game wardens to death, but I am not going to tell a 70 year old man that he has to go get a permit and learn how to boat. Thank you very much, Mr. Speaker.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As most of you know, the only qualification to take a 35 foot, 500 horsepower boat out on Sebago Lake or off the shore at Cranberry Isles right now, is a checkbook; that is all that is required.

We killed 16 people on Maine waters last year, and the good Representative from Wilton and the good Representative from Allagash are correct: Several of those deaths involved kayaks and canoes; and involved the lack of a PFD, a personal flotation device. Those deaths may not have been saved by a requirement for mandatory boater education; I will grant that.

The tragic accident on Long Lake last summer might not have been prevented by Maine having a mandatory Boater Safety Education Act. The operator of that vessel was from Massachusetts, and Massachusetts does not currently have a mandatory boater safety education requirement, except for youths; however, within in the last couple of days, Massachusetts has voted favorably out of committee a bill very similar to the one that is before you now. If Massachusetts adopts that measure, Maine will be the only—the only—state in New England without a basic boater safety education requirement.

With regard to tourists and I would like to address just a few of my good friend, Representative Jackson's worries. With regard to tourists, chances are that the tourists that pull a boat in to Maine and plan to operate in Maine over the course of the summer, are coming from one of the nearly 40 other states that require mandatory boater education. The Minority Report on this bill, which we would encourage you to adopt, stresses that reciprocity. If a tourist has boater safety education in his own home state, that will satisfy the requirements of this law. This law is not going to stop tourists and ask them to check an ID at the gate. As a matter of fact, this law, and the requirement for boater safety education, another worry of the Committee Chairs does not speak to boater registration at all; you do not need to show proof that you have attended a boater safety education class and successively accomplished that in order to register a boat. That is not in the bill; that is not in the Minority Report; the two are not tied together at all. This requirement for mandatory boater safety education is not a driver's license; it is not an operator's permit; it cannot be revoked; it has no renewing requirement; it simply requires someone to demonstrate proficiency in basic boater safety education.

Now, another concern that the good Chair has had is about availability of courses. He was surprised to learn that there is a Power Squadron operating in Presque Isle, there are Power

Squadrons operating all over the state; however, that may not be a concern. The Department of Inland, Fisheries and Wildlife, in conjunction with the Department of Marine Resources, is tasked by the Minority Report on this measure to oversee set up, and to oversee the availability of safety boater education. The volunteer groups, the Coast Guard Auxiliary and the Power Squadrons, have approached us and said we will do that, we will send instructors to adult education centers; these courses will be available online; we will provide proctors for online examinations for people who do not care to take the course and feel they have enough boater education and experience to demonstrate that in a rather simple, short 20 to 30 minute exam. Availability is not a problem. Availability was the same argument we heard when we discussed mandatory hunter education and, in fact, the volunteers turned up to teach those courses, and they are made available all over the state. The same is the case here: I, myself, will be teaching one of these courses in the course of the spring and summer, in boater safety education in my area, and there are many more volunteers that will be doing the same thing.

Some of the other concerns are, again, are the same we heard with hunter safety: We do not need to do it, we are experienced, we are in the woods all the time. I have even heard that there is a big difference between a loaded gun and a powerboat. I am afraid those do not wash.

Representative Saviello's comments are well taken: You cannot legislate common sense; that is very true. However, those of you who have some understanding of basic boater safety education understand that the rules of the road, the nautical rules of the road, are based on common sense. The difference is that when you are operating within the rules of road on the water, particularly crowded waters, particularly waters in our state in the summer, you have no confidence at all that the boat approaching you is operating out of the same rulebook. You can have no confidence at all that the people operating around you understand that the basic nautical rules of the road are based on common courtesy and common sense, because if you are not aware of those rules, they do not come naturally to you, you have to learn them somewhere.

Finally, Mr. Speaker, with regard to Representative Saviello's problem with approaching or responding to a 70 year old who is being told now that he has to go back and get boater education, in order to operate a boat that he has operated for 30 or 40 years, I would first ask that senior about the last time that he was on the water and he and his fishing partner were nearly swamped by some idiot who does not understand that you cannot pass another boat, or you have to pass another boat properly. I would ask that 70 year old about the last time he sat on the shore of his camp and watched a water-skier party come within 50 or 60 feet of shore, upsetting a slope, causing erosion on his property and endangering his kids who are trying to swim in the waters nearby. I would ask them, finally, wouldn't it be nice if on their next fishing trip, they did not have to worry about someone passing too close to their stern and cutting their trolling lines because they do not know what they are doing. It would be very nice to spend an afternoon confident that the people around you are playing by the same rules, that understand basic boater safety as well as you do.

Finally, if that is a big concern, if that is the major concern here and I regret this kind of rural divide that has developed around this bill, the people where I come from in the south, mid-coast and inland in the south, the people who have tried to spend an afternoon on Sebago Lake understand very well—very well—the need and necessity of basic boater education. The people north of us, in rural areas and on the Downeast coast, who have operated them for years that are not getting the pressure from

tourists, say this is nothing but the state sticking its face in my face, saying I have to do something to allow me to do something that I have done for generations. I regret that divide but, in fact, it is coming. The less populated areas where boater safety had not been a particular problem are still going to see that it will be.

There are benefits to this, obviously: It will reduce your boat insurance; there are lots of other things that you are aware of that I will not go into, the importance of safety. However, if that is the big problem, if it is a problem to go home and face the 70 year old couple that is angry that you have passed this measure, then reject the Majority Ought to Pass, accept the Minority Ought to Pass as Amended, take a look at that bill, then come back in here and join with me when I move it off enactment and offer a House Amendment that would limit the effects of this bill to those people born after January 1, 1950 or so; take the very seniors off it. If you feel, if you agree that they are the ones not posing the problem, then we can simply take them off it. The rest—remember this bill does not go into effect until 2011—the rest of us are rolled in by age over a period of time, with plenty of time to accomplish this at no expense to the state, and very little expense to your constituents. It is just a good idea, and it is good policy for Maine. I encourage you to reject the pending motion, accept the Minority Report, and then let's discuss if that needs to be tweaked as well. Mr. Speaker, I would request a roll call.

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

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

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

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have heard Sebago Lake mentioned several times here today; I have heard horsepower on the boats and the speedboats mentioned several times here today. I have no problem with education; I have no problem at all with an educational course. Maybe we should have one for common sense, but I do not think that is going to work either.

I guess my thing is this is not the bill, this is not the tool we need. If we are going to start an educational course, we should do it like we did our hunter safety course: Anyone who has a license or anybody who has been doing this for years should be grandfathered. We should start doing it with our youth, because I will tell you that we should be doing the same thing with our snowmobiles. We had a horrific number of deaths this year on snowmobiles. I am not sure whether a snowmobile safety course would have saved lives or not, but the thing is there is other legislation that we can put in, but to have to go back home this weekend and tell my 70 year old father-in-law that before he can load his lobster traps on his boat, in 2011—by the way, he plans on fishing until he is 100—and before he can load them on his boat and take them downriver and set his traps, he has to take a safety course. I am telling you, my fishermen that fish out of the river, some are upset with this. It is just not the right law.

I am not against safety, I am not against a law that might regulate certain sized boats on certain lakes, and I am certainly not against an educational boater safety course, but I do think there are certain people who have to be grandfathered. And I think, come the last of April when I take my 12-year-old grandson out in a 16-foot boat with a six horsepower motor, I do not think a boating safety course is going to make a difference. He is going to be wearing his lifejacket, and I am going to be wearing mine; I am too old not to, he is too young not to.

The thing being, I am going to vote against this bill because I just do not think it is the right bill for what we want, and I do not

think this is going to cure any of our problems that are facing us right now, or what I have heard today. Thank you, Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one bill that up until the last couple of days, I really have not had a dog in this fight, but I have heard some statements that have widened the divide between north and south again in Maine, and it is sort of kind of upsetting to me.

In my lifetime, I have been married to the same man for 41 years, and in those 41 years, he has probably taught 25 or 30 safe boating courses through the Coast Guard Auxiliary in the City of Bangor, along with our Power Squadron. The need is so great for these instructional courses that, by the way, do not have a big fee on them. You can buy the book, and the book may save your life one day when you get swamped out in the tidal water that has come up and turned violent within 30 seconds, and it happens. But we have taken these safe boating courses and they help, and I have to tell you that the 70 year old man that is out lobster fishing everyday, probably has all of the safety equipment, has been there, done that and knows it, and I am sure that accommodations can be made.

But let me tell you a little story that you are going to get a chuckle out of, because I so laugh thinking about it: I am on vacation; I am down on Hadley's Point down on Mount Desert. I go down to the beach for the day with my dog. Now, you have to understand that this is a border collie that has real long hair, and I am sitting down on the beach and we are watching, and a truck drives in with two couples in it—an elderly couple and a younger couple—and a new boat hooked to the back; low tide. The older couple turned the truck around, puts it in reverse and backs the trailer out into the bay—there is probably about 6 or 8 inches of water out there—as far as you can back it, and I thought, "Okay, I am watching this." He jumps out of the truck, puts it in park, jumps up into the boat and drops the motor. Then he continues to get back in the truck and back the sucker out some more, and it was not too bad. He has buried the propeller and the prop right into the mud and the muck, the clamshells and the rocks, and he starts the engine. Now, at this point, picture this: I am wrapped around my dog, burying my face in five inches of fur because I am laughing so hard that I had just about lost it, so I straighten myself up. The daughter-in-law jumps out of the boat, walks up the beach, and I said to her, "New boat?" She said, "Yesterday." "Taken a safety boater course?" "No," she said, "I am not sure he knows how to drive it." I said, "Obviously. Do you have personal floatation devices on board?" They had nothing. I said, "Where are you headed?" She said, "Out to Frenchman's Bay, going around the bay." I said, "Do you want me to call the Coast Guard now, or would you rather me wait until later, because you are going to need them." These people headed out to the bay with a bent propeller, putting along; I know the Coast Guard had to rescue them.

Anybody that has been on the Bay, or anybody that has been on Sebago Lake, or anybody who has been on Moosehead Lake, or anybody that has been in rough whitewater will understand how fast this pleasure trip can turn to a nightmare, instantly, and it happens. Believe me, with the Coast Guard Auxiliary that my husband belonged to, our boat is a Coast Guard Auxiliary boat, and whenever we were out the sticker was on there. We have had to haul canoers out of the river, tow them up the bay, and bring them in. How did we know how to do this? Because I very nicely sat through about three safe boating classes, so I am on board and I have to act as the crew because my husband is the Captain, so we have had to haul people in. It does not cost

anything, a couple of hours a night; take the time out of your life.

I want you to put this in the back of your mind: Your boat is pleasure, and it is wonderful; it is 35 feet long; it has an engine that can go from zero to way too fast and your grandchildren are on there. Some inconsiderate boater driving a 45 foot boat, full throttle, comes by you and kicks up a wake that throws your grandchildren up into the air and down and out of the boat. I have seen it happen; I have seen the results of these children. This is a good bill that maybe is not perfect, I am not sure we are capable of writing a perfect anything, but I ask you to strongly defeat this Ought Not to Pass; go on and pass the bill that the good Representative from Bath initiated, and let's work from there. Too many people have died in our Maine woods this year due to carelessness on snowmobiles, and excessive speed and alcohol; the same thing is happening on our waterways. It is a wonderful state, let's keep it that way. This education will not only save your life, but may save the people that you think you are protecting when you put that little PFD on them and take them out on the boat. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

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

The SPEAKER: The Representative may pose his question.

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is this: Does this legislation, LD 2067, impose the same requirements on a Massachusetts boater who comes up to my lake this summer, as it does on a Maine boater?

The SPEAKER: The Representative from Newport, Representative Tardy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you, Representative Tardy, for that question. Yes, it does; it poses the same restrictions. However, I am not concerned that that tourist pulling a boat into Maine is going to be stopped and told he has to take a course and pass the test before he puts his boat in the water; that is not going to happen. The chances are that he is coming from a state that already requires, or a province of Canada that already requires boater safety education, and according to the instructions the bill gives to the departments as they develop this plan, they are to reciprocate and recognize that.

In this case of the Massachusetts man, chances are if he started boating when he was 16 or 17 years old, he does have boater education, because their law has been in effect for youths for some time. If he comes next summer, chances are he will have one as an adult, because Massachusetts law has been reported out of committee favorably this session, this week, and may be active on this session. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from McKane, Representative Newcastle.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try not to repeat too much of what has been said already, and I agree with much of what has been said on both sides. There is a safety problem, but it is with all of the outdoor activities that we enjoy in Maine here; I mean, they are inherently dangerous. Just look at the snowmobile accidents that have happened lately. But we can predict there are going to be injuries and fatalities with skiing, snowboarding, whitewater rafting, canoeing, kayaking, backpacking, mountain climbing, bicycling—there are going to be accidents. Can we somehow inject more safety in there? I hope we can; I do not think this is the way to do it. I think it will put

another hurdle, as far as boating is concerned, between Mainers and something that they like to do, and at a time where we see Americans, in general, spending less time outdoors. We are issuing fewer hunting permits, fewer fishing licenses; we are spending more time in closed doors behind our computers, vicariously visiting the outdoors, and I think at the expense of our health, both physical and mental.

This bill is a one size fits all solution to a problem that might be solved in a better way. This treats a 50 foot catch sailing off Monhegan the same as an aluminum skiff on a small pond in inland Maine. I think if we could somehow instill three basic principles to people who are engaging in any outdoor activity, we could cut the fatalities and accidents down substantially: First of all, do not operate your boat or snowmobile, or go skiing when you are drunk; that would be a big one right there. Most of these boating accidents occurred when someone was intoxicated. Second, look at the weather. Just check the weather report and see what it is doing; that is the other. It is a huge issue when you are boating on a lake in Maine or out to sea, the weather conditions can change dramatically in a very short time. And the third one, just common sense. Do not back your boat over the mudflats when there is not enough water; I do not know if they are going to teach you about the mudflats in this safety certificate course. I would like to make all of these outdoor activities safer if there is anyway we could, and I would be glad to work with the proponents of this bill and anyone else interested, in figuring out some way to increase boater safety education without requiring this certificate. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Chances are that the guy from Massachusetts may not have had any safety training, and chances are that when he comes here and wants to rent a boat from someone, that that guy is going to ram the boat. If it comes down to telling someone you cannot because you have not had this training, or, no, I will rent it to you for \$100 a day, I think they are probably going to take the \$100 for the day, and this bill does nothing to address that.

Even if the state the person comes from does have the mandatory training, it does not mean that person took it. When they come to Maine, they would be opened to rent any boat if the renter would allow them to, so think that is something that is certainly unfair for our residents compared to nonresidents from any other state, regardless if they have boater education there or not. If this is a bill to stop the people with the 500 horsepower motors on Sebago Lake, then make it 500 horsepower on Sebago Lake; don't put a blanket across the entire state.

Back in 1991, we had a major, major ice disaster in the Town of Allagash. There was water running 20 feet high in places that people never thought that it could go; and we had 200 people trapped in a church, they were surrounded, and one ended up being just like an island. No one from the state came to help us; no one from the Coast Guard Auxiliary came to help us; no one from the Power Squadron came to help us. But a lot of guys from that town went out in the middle of the night, and went around icebergs and things like that, and they did not have any boater safety, but they knew how to navigate a boat safely, and some of them are born after 1950. I am not willing to tell those guys that

you need to have a boater safety class before you can register your boat next year. If we are going to do that for kids or something maybe I would consider it, but I am not even sure of that. But if there is not any problem in 99 percent of the state, then I do not know why we are going to enact something that is going to basically put everyone—well, it's just not going to be nice.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have heard it said that passage of a boater safety education program would not have prevented that terrible accident on Long Lake, in Harrison, this summer. I do not know whether it would have or not; I do not know.

I do know two things: First, 38 states have a boater safety education program. Secondly, I know that a 2007 study of the best practices in boating education by the National Association of State Boating Law Administrators showed that states with the longest history of boater safety education programs also have the lowest average fatality rates in the states; the longer the boating safety education requirements have been in place, the lower the fatality rates. Thank you.

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. I just wanted to address a couple of issues that came up: The fisherman is exempt; it only refers to non-commercial. A youth under the age of 16 operating a motorboat with less than 10 horsepower and under the supervision of a parent is also not included in this.

In terms of educating the youngest of our boaters, that is exactly how it works. It starts phasing in with the youngest of our boat operators over time, and I would reiterate the offer to deal with the issue of somebody who had been boating for a long time and exempting them. Again, I would urge you to vote against the pending motion. Thank you.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the comments of all of my good colleagues regarding this issue, and certainly there are some reasonable concerns; however, people have talked a bit about common sense and that caused me to want to rise.

What is common sense? Well, common sense is really the accumulated knowledge that is given to you as you move forward in life. For some people, seeing a marker near a swimming area that marks that swimming area, it is only common sense to stay away from that and not go between that buoy and the shore. But for those who have never seen that marker before, it is not common sense because it is not acquired knowledge.

If a person is out on the water—even an experienced boater from one lake—and goes to another lake or a river and sees a white can with an orange diamond on it, they may or may not know what that means. To the person that has grown up seeing that, knowing that you have to stay away because there is a rock or a hazard, or a sunken boat, it is common sense. But for the person who has not acquired that knowledge yet, it is not common sense because it has not been acquired.

Mr. Speaker, if you see a boat coming at you, or two, or three at the same time, for many of us having acquired the knowledge from childhood, it is common sense to know how to pass those other boats, and how to stay out of the way. But if you have never done it before, it is not common sense, it is not acquired

knowledge. What this piece of legislation does is it requires, in a methodical and phased way, to help people who have not acquired that common sense to do so. I think this is a practical, simple, and reasonable measure. For those of you who have not had the experience of watching someone or being close to someone on a jet ski, on your lake or near your boat, or near your children, someone who just bought or rented a jet ski and is going 30 or 40 miles per hour near you or your children, you wished that they had a little bit more common sense than they are displaying. This bill helps us to let the general population to require more common sense. Thank you, Mr. Speaker.

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 just have to add a few words to this conversation. I am not from a rural area and I am not a regular boater, but I am old enough to want to speak on behalf of the elders that I think to worry that an older person would be offended at being asked to set an example for younger people is the wrong idea. Older people can, I think, be seen often times as leaders, and I think probably those are the people who would be most receptive to the idea of sharing their respect for the waters, their respect for boating with younger people. I wanted to share that.

I also wanted to share that we have a great deal of pride in our tourist industry, and I think it would be a shame not to hold the highest standards up for people when they come here, to feel that they are safely enjoying the benefits of our tourist industry.

Lastly, as a mother, I would certainly feel an awful lot of anger if my child were killed or maimed in a boating accident, and my Representative had chosen to vote against education for those who are operating boats. Thank you, Mr. Speaker.

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 have been listening to this debate and am trying to make up my mind. Men and Women of the House, people have made some very good points, and I would like to just state that I will not be supporting the pending motion and hope that we could go on to the Minority Report which could be amended to allay some people's fear on some other points that are in the Minority Report, to grandfather out some people.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am one of those individuals that is fast approaching 70 that would object to being told I have to take a boating safety course. I have never taken a boating safety course; I have read parts of *Chapman's Piloting* because I had a boat on the Chesapeake Bay. I am not against education; I am against mandatory education for all.

Again, if you go out on a lake that you are unfamiliar with, you try to get a map of the lake, and when you get a map of the lake, it sometimes tells you what different buoys on the lake mean, because different buoys on different lakes mean different things. Anybody who has been on the ocean knows: Red, right, return. I mean, I do object to this, and I have a 14-year-old granddaughter and I let her drive my boat. I have a 20-foot canoe, a 21-foot boat, and a couple of paddle and whitewater canoes, and I have been in a lot of rough water and I have survived. I do not think that at this time this is necessary, it is against the tradition of Maine to do things like this, so I am going to vote with the pending motion. Thank you for your time.

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. 242

YEA - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Blanchard, Briggs, Browne W, Burns, Carey, Carter, Cebra, Clark, Cleary, Cotta, Cray, Crockett, Curtis, Driscoll, Duchesne, Eaton, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, MacDonald, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Mills, Miramant, Nass, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Weaver, Wheeler.

NAY - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchette, Boland, Brautigam, Bryant, Campbell, Canavan, Casavant, Connor, Craven, Dill, Dunn, Eberle, Fisher, Giles, Koffman, Makas, Marean, Millett, Muse, Norton, Percy, Pratt, Priest, Rand, Rines, Simpson, Sirois, Smith N, Sykes, Treat, Wagner, Watson, Webster, Weddell, Woodbury.

ABSENT - Bliss, Cain, Chase, Conover, Crosthwaite, Duprey, Fischer, Gerzofsky, Hayes, Hogan, Marley, Moore, Pineau, Rosen, Schatz, Walker, Mr. Speaker.

Yes, 94; No, 40; Absent, 17; Excused, 0.

94 having voted in the affirmative and 40 voted in the negative, with 17 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

REPORTS OF COMMITTEE

**Refer to the Committee on Natural Resources
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Natural Resources** on Bill "An Act Establishing an Outdoor Wood Boiler Fund"

(S.P. 891) (L.D. 2263)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Joint Order, S.P. 886.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-773)** on Bill "An Act To Improve Funding for the State Snowmobile Trail System"

(H.P. 482) (L.D. 633)

Signed:

Senators:

BRYANT of Oxford
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
RICHARDSON of Carmel

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

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

Signed:

Representatives:

McLEOD of Lee
EBERLE of South Portland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-773)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 20, 2008.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today, as many of you may remember, is the anniversary of the start of the Iraqi War and I would like to ask, Mr. Speaker, if we in the House could rise and stand for a moment of silence in honor of the 4,000 Americans who have died, as well as the thousands of Iraqi citizens who have died in this endeavor.

At this point, the Members of the House stood and joined in a moment of silence in honor of the fifth anniversary of the Iraq War.

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 11:28 a.m., until 9:00 a.m., Thursday, March 20, 2008.