

# 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  
34th Legislative Day  
Friday, March 28, 2008

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

Prayer by Pastor Stephen Park, East Wilton Union Church.

National Anthem by Melissa Noel, Sabattus.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry (EMERGENCY)

(S.P. 896) (L.D. 2273)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492)**.

On motion of Representative TUTTLE of Sanford, the Resolve was **REFERRED** to the Committee on **LABOR**, in **NON-CONCURRENCE** and sent for concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality"

(H.P. 1582) (L.D. 2216)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753)** in the House on March 17, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753) AND SENATE AMENDMENT "A" (S-493)** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 721)

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

March 27, 2008

Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings:

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

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Richard A. Cook of Hermon for appointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of John M. Joseph, Jr. of Hallowell for reappointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Colon E. Durrell of Farmingdale for reappointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of George W. McHale of Orono for reappointment to the Gambling Control Board.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of James N. Dearman of Orono for reappointment to the State Liquor and Lottery Commission.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Richard R. Arnold of Belgrade for appointment to the Gambling Control Board.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 42)

**ORDERED**, that Representative Jill M. Conover of Oakland be excused March 19 and 20 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Robert H. Crosthwaite of Ellsworth be excused March 19 for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Peggy A. Pendleton of Scarborough be excused March 10 and 12 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Leila J. Percy of Phippsburg be excused March 6, 10, 12, 13 and 14 for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the South Portland Lions Club, on the special occasion of its 80th anniversary, March 28, 2008. The club has been and continues to be an important part of the South Portland community. It makes an outstanding contribution to the residents of the area through its charitable giving. In recent years, the club has provided scholarships to local high school students and has provided support for youth activities. Its continued giving and activism exemplify the true spirit of community. We extend our congratulations to the members of the South Portland Lions Club as they celebrate the 80th anniversary of its charter;

(HLS 1155)

Presented by Representative EBERLE of South Portland. Cosponsored by Senator BROMLEY of Cumberland, Representative BLISS of South Portland, Representative KAENRATH of South Portland.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. As a girl growing up in Indiana, my father was in the Lions Club, and I remember all of the activities that he took part in, in our community: I remember going in the summer to the annual father-daughter picnic, and I

remember going door-to-door with him selling light bulbs to support their causes—they sadly were not energy efficient light bulbs, but today they probably would be.

Today, March 28, is the 80th anniversary of the South Portland Lions Club. In South Portland, for the years that I was a parent volunteer and a community activist, when something needed to be done people would always say "Let's call the Lions Club," and they would be there—scholarships, support for activities, support for our students and everybody in the community. I think that all of you probably have an organization like this, a Lions Club, in your own community.

After 80 years of doing the work that they do and still doing it, I rise to acknowledge the incredible work that the South Portland Lion's Club do in your communities, the partnerships that they form with our communities and our students to make us all stronger, and congratulations to the South Portland Lions on their 80th anniversary. Thank you, Mr. Speaker.

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

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**Recognizing:**

the following members of the Lisbon High School Wrestling Team, who won the 2008 Class C State Wrestling Championship: Forrest Cornell, Joshua Pomerleau, Matt Nicholson, Mike McNamara, Mike McManus, Kristian Taylor, Marcus Bubar, John Gamach, Cam Bubar, Kyle Huston, Art Stambach, Joe Doughty, Molly Watson, MaKayla Stevens, Katrina McKay, Stephanie Hayslip and Rachel LeGloahec and head coach Mark Stevens and assistant coach Ted Albasini. The team wrestled with true grit to earn its 5th State Championship in 8 years. We extend our congratulations to the team on this outstanding accomplishment and best wishes for its continued success;

(HLS 1156)

Presented by Representative BERUBE of Lisbon. Cosponsored by Senator NUTTING of Androscoggin, Representative VAUGHAN of Durham.

On **OBJECTION** of Representative BERUBE of Lisbon, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Berube.

Representative **BERUBE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, it is a pleasure to bring yet another Lisbon High School varsity team here to receive honorable accolades. This year's wrestling team has won the Class C State Championship for the fifth time in eight years, so you may be thinking how can that happen? Well, in the final championship run, Lisbon had four finalists, with two champions and two runner-ups. The significant accomplishment was that Lisbon needed five wrestlers, of five possibilities, to wrestle back through the consolation rounds to capture at least third place—third—in order to pull off what could likely be the biggest upset in the past decade in Maine high school wrestling. All five—all five—placed third.

Additionally, for the first time since 2001, Lisbon was not listed anywhere as a preseason favorite. It was a rebuilding year with class, energy, commitment, and winning or losing throughout the season, and with a good handshake and no questionable attitudes, Lisbon is now the State Wrestling Class C State champion and with no seniors on the team. Congratulations to this team and many of us will expect to see you here again next year. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a state representative from Foxcroft Academy, I would like to offer my sincerest congratulations to the Lisbon High School Wrestling Team. They certainly deserve it. Five years out of the last eight years, they have been state champions and that is incredible; however, the other three years must have seen Foxcroft Academy as state champions. Nevertheless, I honor your achievements and please, please keep in mind that you are on our list, beware.

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

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**Recognizing:**

Virginia Poland MacFarland, of Hartford, on the celebration of her 90th birthday. Mrs. MacFarland has enjoyed a full life. She and her husband, Edward, were married for 55 years and raised 4 children. Mrs. MacFarland was a Girl Scout leader and neighborhood chair. She taught Sunday School and was active in church activities. She is a charter member of the Needham Community Theatre in Massachusetts. She served 12 years on the School Administrative District #39 School Board and was on the Hartford Planning Board for 3 years. Mrs. MacFarland has always valued family above all else and that is clearly reflected in the time she continues to spend actively involved in the lives of her children, grandchildren and great-grandchildren. It is not unusual to see Mrs. MacFarland welcoming home a friend from Iraq, at a basketball game or spending a day at school with one of her children. If there is something going on, she is there, in the thick of it. We extend our congratulations and best wishes to Mrs. MacFarland on this very special occasion;

(HLS 1157)

Presented by Representative HAYES of Buckfield.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative HAYES of Buckfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I learned this morning on my way in with Mrs. MacFarland that she was born before women had the right to vote, so lots of things have changed in that time, and we had quite the conversation. She was willing to come today to shadow me; we made these plans when I attended her 90th birthday celebration. Her grandson and my son went to school together from kindergarten, pretty much all of the way through, and she is a wonderful person with tons of experience and wisdom, and I hope that you have the opportunity to meet her personally today. It is my privilege to have her here with me in the House. Thank you.

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

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-488)** on Bill "An Act To Raise the Per Diem Rate for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission"

(S.P. 763) (L.D. 1969)

Signed:

Senators:

MARTIN of Aroostook  
BARTLETT of Cumberland

Representatives:

MIRAMANT of Camden  
EBERLE of South Portland  
KOFFMAN of Bar Harbor  
DUCHESNE of Hudson  
BABBIDGE of Kennebunk  
McDONOUGH of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-489)** on same Bill.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford  
WAGNER of Lewiston  
ANNIS of Dover-Foxcroft  
AYOTTE of Caswell

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-488)**.  
**READ.**

On motion of Representative KOFFMAN of Bar Harbor, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Under suspension of the rules, members were allowed to remove their jackets.

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Ten Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass** on Bill "An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units" (EMERGENCY)

(H.P. 1645) (L.D. 2280)

Signed:

Senators:

BOWMAN of York  
MITCHELL of Kennebec

Representatives:

NORTON of Bangor  
FINCH of Fairfield  
SUTHERLAND of Chapman  
HARLOW of Portland  
FARRINGTON of Gorham  
MUSE of Fryeburg  
STRANG BURGESS of Cumberland  
MAKAS of Lewiston

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-814)** on same Bill.

Signed:

Representatives:

McFADDEN of Dennysville  
EDGECOMB of Caribou

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

MILLS of Somerset

**READ.**

Representative NORTON of Bangor moved that the House **ACCEPT** Report "A" **Ought to Pass**.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** Report "A" **Ought to Pass** and later today assigned.

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Six Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units"

(H.P. 1646) (L.D. 2281)

Signed:

Senators:

BOWMAN of York  
MITCHELL of Kennebec  
MILLS of Somerset

Representatives:

FINCH of Fairfield  
MUSE of Fryeburg  
STRANG BURGESS of Cumberland

Five Members of the same Committee report in Report "B" **Ought to Pass** on same Bill.

Signed:

Representatives:

NORTON of Bangor  
MAKAS of Lewiston  
SUTHERLAND of Chapman  
HARLOW of Portland  
FARRINGTON of Gorham

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "A" (H-815)** on same Bill.

Signed:

Representatives:

McFADDEN of Dennysville  
EDGECOMB of Caribou

**READ.**

On motion of Representative NORTON of Bangor, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

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## CONSENT CALENDAR

### First Day

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

(S.P. 791) (L.D. 1997) Bill "An Act To Fully Fund School Breakfast from Kindergarten to Grade 12" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-491)**

(S.P. 818) (L.D. 2144) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-487)**

(S.P. 853) (L.D. 2215) Bill "An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-490)**

(H.P. 1518) (L.D. 2138) Bill "An Act To Amend the Requirements for Approval of the Use of Physical Restraints" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1485) (L.D. 2099) Bill "An Act To Provide Property and Excise Tax Relief to Disabled Maine Veterans" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-856)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 191) (L.D. 599) Bill "An Act To Create an Airport Authority" (C. "A" S-484)

(S.P. 479) (L.D. 1392) Bill "An Act To Update the Dioxin Monitoring Program" (C. "A" S-483)

(S.P. 481) (L.D. 1393) Bill "An Act Regarding Lobbyist Disclosure" (C. "A" S-479)

(S.P. 752) (L.D. 1958) Bill "An Act To Make Marine Resources Management More Responsive" (C. "A" S-474)

(S.P. 778) (L.D. 1984) Bill "An Act To Provide a State Income Tax Credit to Dentists for Military Pensions" (EMERGENCY) (C. "A" S-476)

(S.P. 789) (L.D. 1995) Bill "An Act To Strengthen the Maine Small Business and Entrepreneurship Commission" (C. "A" S-477)

(S.P. 809) (L.D. 2119) Bill "An Act To Amend Certain Laws Related to Environmental Protection" (C. "A" S-482)

(H.P. 1392) (L.D. 1954) Bill "An Act To Amend the Potato Cull Pile Law" (C. "A" H-813)

(H.P. 1454) (L.D. 2070) Bill "An Act To Improve the Campaign Finance Laws and Their Administration" (C. "A" H-824)

(H.P. 1457) (L.D. 2073) Bill "An Act To Prevent Contamination of Drinking Water Supplies" (C. "A" H-821)

(H.P. 1468) (L.D. 2082) An Act To Preserve Successful Historic Neighborhood Schools (EMERGENCY) (C. "A" H-816)

(H.P. 1520) (L.D. 2140) Bill "An Act To Protect Sellers in Residential Real Estate Transactions" (C. "A" H-812)

(H.P. 1535) (L.D. 2160) Bill "An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution" (C. "A" H-822)

(H.P. 1549) (L.D. 2175) Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education (C. "A" H-825)

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. **ORDERED SENT FORTHWITH.**

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"

(S.P. 738) (L.D. 1931)  
(C. "A" S-475)

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses"

(S.P. 825) (L.D. 2157)  
(C. "A" S-480)

**House as Amended**

Bill "An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers"

(H.P. 1523) (L.D. 2143)  
(C. "A" H-823)

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.

**ENACTORS**

**Acts**

An Act To Improve the Competitiveness of Maine's Boat Building Industry

(S.P. 402) (L.D. 1214)  
(C. "A" S-469)

An Act To Ensure Legislative Review of Fire Sprinkler Rules

(S.P. 775) (L.D. 1981)  
(C. "A" S-471)

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.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-854)** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1531) (L.D. 2151)

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity  
RAND of Portland  
CLARK of Millinocket  
WATSON of Bath  
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-855)** on same Bill.

Signed:

Senator:  
NASS of York

Representatives:

KNIGHT of Livermore Falls  
GOULD of South Berwick  
CHASE of Wells  
LANSLEY of Sabattus

**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 "A" (H-854)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 31, 2008.

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Representatives FISHER of Brewer, JOY of Crystal and CAIN of Orono assumed the Chair.

The House was called to order by the Speaker Pro Tems.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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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 - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-818)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-819)** - Report "C" (1) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting"

(H.P. 1488) (L.D. 2102)

TABLED - March 27, 2008 (Till Later Today) by Representative MARLEY of Portland.

PENDING - **ACCEPTANCE OF ANY REPORT.**

On motion of Representative MARLEY of Portland, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**.

**Committee Amendment "A" (H-818)** was **READ** by the Clerk.

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. This is a bill which first of all I would say in all honesty is very complicated and probably may have needed to go the Committee on State and Local Government, because it gets a lot of governance issues.

This Legislature dealt with a similar bill in the 122nd Legislature, I believe, or the beginning of the 123rd and it gets into road associations and you would be amazed at how contentious that would be. This bill made me be thankful that I live in the City of Portland, I must tell you. This amendment is very similar to the bill, but it gets back to allowing roads associations to use any method that they choose, endorsed by a majority vote at a hearing on how to do assessment. The issue that brought this bill forward was really that that previous Legislature that I mentioned made the road association, tied their hands and made them look at it through evaluation purposes only, and associations had done it simply on the number of lots you have, or came together as a community and made a determination. In some cases, it was wonderful to hear, some of these road associations said, "Hey, Bob down the street is on disability, he is ill. We are going to absorb his or hers costs this year and spread it among everybody," and they decided that unanimously and did that. The Legislature tied their hands by making it mandatory that they do it by evaluation, so they have come back, they are trying to address the issue.

As you can see, we have a three-way report here: One of the reports wants to go back and just strip out the language we did two years ago; one wants to do nothing. I will be honest: It is an imperfect bill; there are concerns about the unorganized territories; concern about the written notice piece there, we believe that is addressed but it is not clear in the language. I am moving this Majority Report, but there are still issues and I will guarantee you this is going to be a bill you can see again in the next Legislature. Thank you, Mr. Speaker.

Subsequently, **Committee Amendment "A" (H-818)** was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, March 31, 2008.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1547) (L.D. 2173)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) AS AMENDED BY HOUSE AMENDMENTS "P" (H-840) AND "W" (H-848)** thereto in the House on March 27, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) AS AMENDED BY HOUSE AMENDMENT "W" (H-848) AND SENATE AMENDMENTS "K" (S-511), "P" (S-516) AND "Q" (S-517)** thereto in **NON-CONCURRENCE**.

Representative PINGREE of North Haven moved that the House **ADHERE**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADHERE**.

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

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

**ROLL CALL NO. 273**

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, MacDonald, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Boland, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Cleary, Emery, Lundeen, Makas, Moore, Muse, Pineau, Pratt, Thomas, Woodbury.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the House voted to **ADHERE. ORDERED SENT FORTHWITH.**

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

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On the record, if I was here yesterday for LD 2173, Roll Calls 262 and 263, I would have voted yea.

**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.

**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-478)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies (EMERGENCY)

(S.P. 787) (L.D. 1993)

-In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-478).**

**TABLED** - March 27, 2008 (Till Later Today) by Representative **BARSTOW** of Gorham.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

The Unanimous Committee Report was **ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (S-478)** was **READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Monday, March 31, 2008.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 321) (L.D. 405) Bill "An Act To Establish Necessary MaineCare Pharmacy Incentives" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-859)**

(H.P. 1455) (L.D. 2071) Bill "An Act To Amend Maine's Scallop Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-863)**

(H.P. 1542) (L.D. 2167) Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-860)**

(H.P. 1546) (L.D. 2172) Bill "An Act To Protect Children from Lead Poisoning" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-861)**

(H.P. 1606) (L.D. 2245) Bill "An Act To Promote the Agricultural Economy" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-862)**

(H.P. 1610) (L.D. 2249) Bill "An Act To Protect Lake Water Quality" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-864)**

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

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

On motion of Representative **AYOTTE** of Caswell, the House adjourned at 4:43 p.m., until 9:00 a.m., Monday, March 31, 2008 in honor and lasting tribute to Hector Alphe Dubai, of Van Buren and Orville P. Anderson, of South China.