

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Third Legislature
State of Maine

Volume III

First Special Session

April 1, 2008 - April 18, 2008

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
1st Legislative Day
Tuesday, April 1, 2008

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Third Legislature in extra session, the members of the House of Representatives were assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Reverend Peter B. Panagore, First Radio Parish Church of America.

Pledge of Allegiance.

A roll call was taken. 134 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative ADAMS of Portland
Representative BARSTOW of Gorham
Representative BERUBE of Lisbon
Representative CANAVAN of Waterville
Representative CONOVER of Oakland
Representative DUNN of Bangor
Representative EMERY of Cutler
Representative FISCHER of Presque Isle
Representative KAENRATH of South Portland
Representative LEWIN of Eliot
Representative MARLEY of Portland
Representative MUSE of Fryeburg
Representative PENDLETON of Scarborough
Representative PRESCOTT of Topsham
Representative RAND of Portland
Representative SILSBY of Augusta
Representative WOODBURY of Yarmouth

The Following Proclamation: (H.C. 495)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of the adjournment of the Second Regular Session of the 123rd Legislature of the State of Maine; and

WHEREAS, the public health, safety and welfare requires that the Legislature resolve these pending matters as soon as possible, and in any event prior to the date of the First Regular Session of the 124th Legislature of the State of Maine, including but not limited to pending legislation and pending nominations of state board and commission members by the Governor requiring legislative confirmation;

NOW, THEREFORE, I, JOHN ELIAS BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part I, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requesting the Representatives to assemble at ten o'clock and the Senators to assemble at ten o'clock in the morning in their respective chambers at the Capitol in Augusta on Tuesday, April 1, 2008, in order to receive communications, resolve pending legislation carried over from the Second Regular Session of the 123rd Legislature and act upon pending nominations.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this thirty-first day of March in the year Two Thousand and Eight.

S/JOHN ELIAS BALDACCI

Governor

S/Matthew Dunlap

Secretary of State

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative PINGREE of North Haven, the following House Order: (H.O. 43)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor John E. Baldacci, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

Representative FISCHER of Presque Isle
Representative CRAVEN of Lewiston
Representative MILLS of Farmington
Representative CAIN of Orono
Representative VALENTINO of Saco
Representative WEBSTER of Freeport
Representative MILLETT of Waterford
Representative FLOOD of Winthrop
Representative ROBINSON of Raymond
Representative GILES of Belfast

A message was received from the Senate, borne by Senator Martin of Aroostook of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On motion of Representative FAIRCLOTH of Bangor, the following House Order: (H.O. 44)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative PINGREE of North Haven to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

**SENATE PAPERS
Non-Concurrent Matter**

Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law

(H.P. 421) (L.D. 543)
(C. "A" H-656)

FINALLY PASSED in the House on January 31, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Health and Human Services to Report out, to the House, a Bill making technical corrections to the Law relating to flavored cigarettes and cigars

(H.P. 1640)

READ and PASSED in the House on March 26, 2008.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative PERRY of Calais, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Subsequently, Representative PINGREE of North Haven reported that she had delivered the message with which she was charged.

Subsequently, Representative FISCHER of Presque Isle reported that the Committee had delivered the message with which it was charged.

Non-Concurrent Matter

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)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) in the House on March 31, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) AS AMENDED BY SENATE AMENDMENT "A" (S-531)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 725)

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

March 31, 2008

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Criminal Justice and Public Safety on Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter" (H.P. 201) (L.D. 239).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 726)

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

March 31, 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 Education and Cultural Affairs, the nomination of Charles L. Sidman of Bar Harbor for appointment to the Maine School of Science and Mathematics, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Susan J. Hunter of Orono for appointment to the Maine School of Science and Mathematics, Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-523)** on Bill "An Act To Increase Public Confidence in Government by Expanding Public Disclosure"

(S.P. 838) (L.D. 2178)

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

PLOWMAN of Penobscot

Representatives:

MOORE of Standish

WEDDELL of Frankfort

BRYANT of Windham

NASS of Acton

PATRICK of Rumford

TRINWARD of Waterville

TUTTLE of Sanford

PINKHAM of Lexington Township

FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-524)** on same Bill.

Signed:

Representative:
CAREY of Lewiston

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-523)**.

READ.

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

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-505)** on Bill "An Act To Restore Diadromous Fish in the St. Croix River" (EMERGENCY)

(S.P. 751) (L.D. 1957)

Signed:
Senators:

DAMON of Hancock
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
PENDLETON of Scarborough
EATON of Sullivan
FLETCHER of Winslow
MacDONALD of Boothbay
McDONOUGH of Scarborough
PERCY of Phippsburg
MAZUREK of Rockland
EMERY of Cutler
ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-506)** on same Bill.

Signed:
Senator:
DOW of Lincoln

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-505)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-505)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-868)** on Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

(H.P. 1503) (L.D. 2123)

Signed:

Representatives:
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-869)** on same Resolve.

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

READ.

On motion of Representative NORTON of Bangor, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "B" (H-869)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, April 2, 2008.

Six Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products" (EMERGENCY)

(H.P. 1576) (L.D. 2209)

Signed:
Senators:
DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:
MARLEY of Portland
HOGAN of Old Orchard Beach
ROSEN of Bucksport

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-871)** on same Bill.

Signed:
Representatives:
BROWNE of Vassalboro
MAZUREK of Rockland
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-872)** on same Bill.

Signed:

Representatives:
 FISHER of Brewer
 PEOPLES of Westbrook

READ.

Representative HOGAN of Old Orchard Beach moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

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

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a fairly contentious bill that came to our Committee of Transportation. It is about axle weights and fines and things of that nature, that may not be altogether interesting to a lot of people, but it is very important to us and to the State of Maine. It should be understood that Maine already offers a tolerance on weights, from 100 to 105 pounds; that is one point.

Another point, a major point, is that anytime you increase weight on trucks, you damage roads; you just cannot get away from it. We are in this posture in our state that damaging roads is fairly unacceptable to what is going on with our Highway Fund and our budgets. It is not as if we have not done a lot and I do have great sympathy for the truckers, I really do, but you know there has to be a point of understanding. For example, we have done an awful lot of them: LD 2155 temporarily lifted gross vehicle weight limits from 100,000 to 105,000 pounds; and LD 222 allows for early, better reimbursements on business equipment; LD 2225 provides for a sales tax exemption for repair of parts, maintenance, supplies used by vehicles engaged in the transport of harvested forest products; and yet to be passed, but it is certainly out there, is LD 2273, suspending requirements that regulate compensation for forest wood products.

Now another point that really has to be made in all this is that the fines that the truckers are talking about, Maine really is very fair in their fining. We had a report from the State Police Department that said that Maine's fines are equivalent, if not lower, than the rest of New England. When they got to the higher weights—that means you are way over axle—yes, they did increase, but that is a point.

Also, the lost of federal funds, that is mega millions. Some will say that is not in existence, but I have been assured by the commissioner that more than likely there will be a tremendous loss in fines. So those are some of the things that should be considered. Again, I apologize for being on the other side from my good friend from Rockland, who you know we get along very well, but that is the way life goes, right?

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you not to support the bill, the Ought Not to Pass, because the truckers in the State of Maine right now are in a crisis situation, and I am talking about all truckers, not just loggers, not just potato farmers, but truckers of all types. They are paying over \$4 a gallon for diesel. We saw the other day, last week; we saw that a trucker had to give up three of his trucks and layoff 10 or 12 of his people. This is happening throughout the State of Maine today. Yes, trucks are heavy; yes, they do damage on the road. But without trucks, there would be no roads, there would be no goods shipped, there would be nothing. So I am asking you to please take a look and find out what this bill really does. I think we have to help the trucking industry today, they are in desperate need.

Regarding the fines: Yes, Maine does have very low fines, but those fines are never applied, because the way the formula works the truckers get hit for the highest possible fines, almost

every single time. They do not get a fine of \$70 or \$80; they fined \$2,000; \$3,000; \$4,000. That is a big hit on somebody who barely gets enough profit to barely keep himself above water, and to try to feed his family on. How would you like to drive here, on the way to your house get stopped by the police, and all of the sudden pay a \$4,000 fine because your luggage in your truck is not properly weighted right, because as you put it in, you hit a few potholes, it shifted on you, and now you got hit for it. That is what happens to these truckers. You load up a dirt truck full of sand or gravel, you are driving down the road and you get hit with a thunderstorm, you get a deluge of water. All of the sudden that truckload is added a lot of weight to it, you get stopped and all of the sudden you are overweight, over no harm done by the driver, out of his control. So please, let's defeat the Ought Not to Pass, and let's look for something else. As far as the federal loss of money, I believe there is going to be an amendment coming forth on that. Thank you.

Representative THOMAS of Ripley **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, let me say this bill does not increase the weight that any truck will be allowed to haul. The weight laws stay exactly the same. What this bill does is it corrects an unfairness, an unfairness that has been in truck laws for years and years and years. What it does is if a truck is within its legal gross weight, then he does not have to pay an axle weight fine. When trucks go to the woods to load logs, they can tell within some degree of what the gross weight is; you cannot tell what the axle weight is. I do not care how long you have been doing this, and I do not care how many trucks you have loaded, you can try to be as honest as you can and you are still going to get over axle once in awhile. When people are doing the best that they can to obey the law, and then get fined \$1,500, \$1,800, is that what we want to do? Is that the way we encourage people to obey the law? When they are trying, we smack them down with thousands of dollars worth of fines; it does not seem like it to me. As a matter of fact, I think if we correct this unfairness, we will see fewer overloaded trucks because there will be more incentive to go legal. We will take away that disincentive, and we will actually see less damage to our roads.

There is a way to deal with the loss of federal funds, and once we defeat this motion, we can move on and take care of that. But this bill comes back to us, and back to us, and back to us because it is so unfair. We have people out there right now, who are working as hard as they can work, for absolutely nothing and giving it all to the fuel man. Then they try to obey the law and what does the state do but kick them in the teeth with thousands of dollars worth of fines. What kind of an incentive is that for people to get up every morning and go to work, and work hard and pay their taxes? Let me ask you: how do we have a forest products industry without trucks; how do we have agriculture without trucks; and how do we have trucks if we continue to treat them unfairly, year after year, after year? Thank you.

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. I ask you to support this issue on the actual weights. Basically, it all boils down to this, it is very simple: If they are within their gross weight, do not weigh the axles; if they are above that gross

weight, then they have to face the issue of actual weight. It is simple as that, and I believe Representative Thomas hit it right on the head: it would encourage the truckers to stay within their weight limits. This way, if they are going down the road today and they are not over their gross weight, and they get weighed on the axle weight because the weight of the load is not distributed exactly the way it should be, they will have to pay a fine. So what we are asking you here is very simple, it has to do with the gross weight: If they are within the limits, let them go on; if they are not, then they have to face the issue of axle weights. It is as simple as that. Thank you.

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

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, I have great sympathy for the truckers, but I have a lot of sympathy for a lot of other businesses in the state that are struggling as well. You know, it is no secret that heavy axles, they do a lot of damage to our roadways, that's heavy axles. Certainly of a greater concern, however, is the damage that they cause to our bridges, and it was not that long ago that the DOT came out with a report that 386 bridges in the State of Maine were in poor condition and facing posting—closing or limited use, that is what posting is. Of course, closing over the next few years would certainly create a challenge to our state. They have suggested that to mitigate this problem, we should come up with \$40 to \$60 million per year to take care of this thing. So if we think we are going to make this problem go away with this bill, it is not going to happen. 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 think that what Representative Theriault, Representative Thomas, and Representative Mazurek have all said is certainly true.

Representative Thomas spoke about if we do not have trucks, what are we going to do about agriculture and all of that. Well, if we do not have trucks, what are you going to do for anything? I challenge you to look at any product in the state, and the cost of trucking is directly affected by that. Everything that has gone up in the stores is a result of diesel prices going over \$4 a gallon. Just understand that some of these guys are spending \$700 a day for one truck for fuel and the rates just are not keeping up with that type of fuel cost.

I think Representative Theriault really did hit the nail in the head: If you are at 100,000 pounds, then they are not going to weigh you for axle weight; that is pretty much what the bill says. But sometimes, especially in the logging industry, drivers do not actually want to get over axle, but they want to load their load more toward the front of the truck so that they can have traction for places that have steep inclines and stuff like that. A place where they might have a hard time getting up out of, the only way they can haul that lumber out is to load heavier in the front, and that is not saying they know for sure that they are going to be over axle, but it is the type of thing where it is the only way they are going to move that load out anyways. All the people that I have known in the industry, now unless you are 40,000 overweight, there is no way for you to know for sure if you are going to be over axle. It is one of the most unfair, subjective fines that we have.

We have heard that Maine is not that high; well, I do not believe that, I believe that Maine is severely high. Logbook violations were more than double than in any other state in New England. I think that, unfortunately, the state is funding the Highway Department off the backs of truckers. There is a lot

more tires in this state, but no one complains about the cost of what they are paying into the Highway Fund if they are driving a vehicle. But trucks, they are really getting a lot off of trucks, and the price of fuel, I do not know how we can fix the but one of the ways that we can help these guys and women is to make these fines more realistic. It does mean that people are going to be unsafe or anything like that. Most of those men I know are honorable and want to go down the highway with a safe load.

I would never advocate for a higher gross weight because I think it actually lowers the rate that the men get paid, but this over axle, there is just no way that the people realistically know until they are weighed, how much weight they have on each axle. I really think that we had better do something, and we have better do it quick if we are not going to see more things like we have seen last Friday here. You know, a lot of you laugh whenever I come in here soaking wet, but I stood out there with Representative Smith and Representative Theriault in the snow because it is important. I mean that is going on all over the state. So ideally I think we should consider this and do what is right and not worry about the department saying about loss of federal funds and all of that, because we are not going to have to worry about the roads if we do not have any more traffic.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Thank you, Mr. Speaker. For anyone on the committee or with knowledge of this bill, can you tell me please, does it have a sunset date, or is it proposing to waive these restrictions and fines for time and immemorial.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To answer the Representative from Bath's question, there is no sunset because this to correct an unfairness. This is to correct a problem that has been in the law for years and years. We have tried to address it many different ways, we have addressed with bills with sunsets that do end up harming our roads. This is a compromise bill that will be good for trucks, good for the state, good for our roads, and it is a good bill. Thank you.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sitting back here saying my heart is with the truckers, but my brain is not there because of the cost to this, and there are several factors here, this has been a great debate, and I think you will see why this has been a difficult bill in our committee. Representative Jackson hit it on the head as far as trucks; everything you have comes to you on a truck; industry is supported by trucks, etcetera; however, I do complain about my fuel bill in my vehicle, even if I am not a trucker. So that started the argument.

The argument for me really is the viability and the infrastructure, and the cost to our infrastructure. The state already has some of the highest axle weight allowances in the country, and even a 5 percent tolerance for wood products because, like the good Representative from Rockland, Representative Mazurek said, they are putting these larger pieces of wood on in the woods, they have to put it on the front axle to sometimes get them out of there, and then if there is moisture in the air or the wood is a denser wood, they are not

necessarily able to determine the weight at that time. So we tried to do the tolerance for them, but there are unintended consequences. One, no one intends it, but it is the damage to the roads. The second is that I think you can find more bridges in the state being posted, and we are already getting to that time of year, even though it does not look like it, where we are going to start seeing more mud and you are going to start seeing roads posted. The example that the department gave us was pretty good as far as, you take a piece of wood and consider that a bridge, and when you stand on it, you spread your legs; you distribute your weight more evenly on that. But if you stand with one leg on that piece of wood that is a bridge, you put more stress directly on the board, and if it is an older board there is more likelihood that it is going to break and be brittle. Well, it's the same thing with a bridge. If it is say 20 to 30 feet long but you have a 53 foot long truck, one of those overweight axles on that aged bridge—and like the Representative from Old Orchard Beach talked about, Representative Hogan, you have close to 400 of these bridges that are aged—you are going to have extra weight on those bridges, and then put more stress on them. So I think you are going to have to find the department is going to have to post many of these smaller bridges, which may have a direct impact to the industry we are trying to help by making them take longer routes.

I went out, I spent probably an hour with many of the gentlemen and women, who are out here struggling—they really are struggling, my heart is with them as I said—but intellectually, I told them I just do not think this is the answer. There are market forces in place here that we are struggling with. If you saw in the paper yesterday, in Pennsylvania, and I think even nationally they are trying to do like a trucking slow down. Unfortunately, these guys are in such margins, it is very difficult than to put their livelihood at risk, but they understand it is market forces, it is the diesel prices, and this has a significant fiscal note.

Usually we do not talk about amendments, but I am going to be fair and balanced. Representative Thomas has an amendment on here that would take off the interstate system because, if this was to pass as is, it would put all of our federal dollars at risk because we would be allowing these higher tolerances on the turnpike system. This amendment would alter that, but there is still going to be a fiscal note from the state DOT, for the bridge damage, the wear and tear. I cannot support this bill, and I hope you will follow me on the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. With all due respect for Representative Marley's brain, which certainly makes a compelling argument, I urge you to vote with his heart. I just want to say, in regards to the logic that comes from his brain, he is right: market forces are driving this. What we ought to be asking for, if we want to relax the burden across this state and nation, is to ask ExxonMobil to give up some of their obscene profit margins to help our trucking industry across the nation make ends meet.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Obviously, we know we cannot affect the fuel price here in Maine, but we need to do what we can to help the trucking industry. As you know, trucks pay between \$7,000 and \$8,000 a year for taxes. Their energy costs are just phenomenal, we have heard before about the diesel fuel prices are over \$4 now. If you look at everything

around you, trucks transport just about everything you have in your everyday life. Maybe, in the future, we will have a more dependable rail system, but right now we do not, we have to depend on the trucks. Industries are struggling, especially the forest products industry. So again, I implore you to defeat the current measure and support one of the coming Minority Reports. 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. Representative Browne just said that trucks pay up to \$7,000; they are probably paying up to \$7,000 just in excise tax, not to mention all the other taxes. I understand the point one hundred percent, but I think it is probably even more than that. You heard everyone talking about increased weight and travel through bridges and highways. This does not increase the weight; the weight is still going to be 100,000 pounds on secondary roads, 80,000 pounds on the Interstate-95. The argument there, to me, is like what is the difference between 1,000 pounds of stone and 1,000 pounds of weathers? Well, nothing, it is still 1,000 pounds. There is not going to be any more weight on these highways and bridges.

People might think this is something that just came about now because of high fuel prices; well, no, it has always been a problem for truckers, it has always been an unfairness but this is compounded by the high fuel costs, and it is coming more to a head now, but it has always been an issue, and I urge you to vote against the Report and move on to a better one.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

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

The SPEAKER: The Representative may pose his question.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question would be, there was a suggestion that this might lead to some significant federal cuts, and there was also, I believe a suggestion from the good Representative from Ripley, that perhaps there is way around these, or there is a way to work through these. The question I would pose is could we, perhaps, get a brief explanation of how we might work around those, or offset those cuts.

The SPEAKER: The Representative from Sullivan, Representative Eaton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: I would be glad to try to answer that question as best as I could, Mr. Speaker. The Federal Highway System and the State of Maine have signed agreements for the Interstate System, and a part of that agreement is that we cannot haul 100,000 on I-95, and they are going to stick to that no matter what. If the State of Maine goes broke, they do not care. Included in that is the axle weight requirements, but there are some differences on the Interstate. We have crafted an amendment, that we have to dispose of this motion first and then we can deal with that, that will eliminate any jeopardy that those federal funds would be placed in.

At this point, the Speaker recognized the Representative from Lisbon, Representative BERUBE, the Representative from Presque Isle, Representative FISCHER, the Representative from South Portland, Representative KAENRATH, the Representative from Eliot, Representative LEWIN, the Representative from Portland, Representative MARLEY, the Representative from

Topsham, Representative PRESCOTT, the Representative from Portland, Representative RAND, the Representative from Augusta, Representative SILSBY, the Representative from Yarmouth, Representative WOODBURY, the Representative from Portland, Representative ADAMS, and the Representative from Waterville, Representative CANAVAN and they were added to the quorum call of the First Special Session of the 123rd Legislature.

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

ROLL CALL NO. 295

YEA - Babbidge, Beaudette, Berry, Blanchard, Canavan, Carey, Casavant, Connor, Dill, Eberle, Faircloth, Haskell, Hogan, Kaenrath, Koffman, Marley, Miramant, Pilon, Pineau, Priest, Rand, Treat, Tuttle, Valentino, Wagner.

NAY - Adams, Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Blanchette, Bliss, Boland, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carter, Cebra, Chase, Clark, Cleary, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Edgecomb, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Moore, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Brautigam, Conover, Dunn, Duprey, Emery, Gerzofsky, Muse, Pendleton.

Yes, 25; No, 117; Absent, 9; Excused, 0.

25 having voted in the affirmative and 117 voted in the negative, with 9 being absent, and accordingly Report "A" **Ought Not to Pass** was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-872)** was **READ** by the Clerk.

Representative THOMAS of Ripley **PRESENTED House Amendment "A" (H-888)** to **Committee Amendment "B" (H-872)**, which was **READ** by the Clerk.

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

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just very quickly, what this does is this exempts the Federal Highway Interstate System from any effect of this bill, and takes away any jeopardy that our federal funds would be placed in. Thank you.

House Amendment "A" (H-888) to **Committee Amendment "B" (H-872)** was **ADOPTED**.

Committee Amendment "B" (H-872) as Amended by House Amendment "A" (H-888) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

CONSENT CALENDAR

First Day

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

(S.P. 796) (L.D. 2002) Bill "An Act To Protect Electricity Consumers of Northern Maine" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-521)**

(H.P. 1491) (L.D. 2105) Bill "An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-874)**

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 item appeared on the Consent Calendar for the Second Day:

(H.P. 1604) (L.D. 2243) Bill "An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation" (C. "A" H-870)

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

House

Resolve, To Create a Deer Predation Working Group (H.P. 1650) (L.D. 2288)

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

On motion of Representative SMITH of Monmouth, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-884)**, which was **READ** by the Clerk.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Briefly—for those of you who cannot find this amendment on the ocean of paper on your desk, it was delivered yesterday—it simply adds one more stakeholder to the working group that is going to look at the issue of deer predation. It adds one representative from a statewide group that represents farming. Thank you.

House Amendment "A" (H-884) was **ADOPTED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-884)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

ENACTORS

Emergency Measure

An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens

(H.P. 1470) (L.D. 2084) (C. "A" H-796)

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

Emergency Measure

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials

(H.P. 1568) (L.D. 2198)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control

(H.P. 1393) (L.D. 2009)
(C. "A" H-797)

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

On motion of Representative FAIRCLOTH of Bangor, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care

(H.P. 1436) (L.D. 2052)
(C. "A" H-795)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education

(H.P. 1501) (L.D. 2121)
(C. "A" H-750)

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. 136 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.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control

(H.P. 1393) (L.D. 2009)
(C. "A" H-797)

Which was **TABLED** by Representative FAIRCLOTH of Bangor pending **FINAL PASSAGE**.

Representative PINGREE of North Haven **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 296

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Cleary, Connor, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Knight, Koffman, Lewin, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Miramant, Nass, Norton, Patrick, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Browne W, Cebra, Clark, Cotta, Cray, Curtis, Edgecomb, Gifford, Jackson, Johnson, Joy, Lundeen, Marean, McFadden, McKane, McLeod, Moore, Pinkham, Plummer, Samson, Theriault, Thibodeau, Thomas, Tibbetts.

ABSENT - Barstow, Burns, Conover, Dunn, Duprey, Emery, Gerzofsky, Greeley, Jacobsen, Lansley, Mills, Muse, Pendleton, Percy, Pineau.

Yes, 112; No, 24; Absent, 15; Excused, 0.

112 having voted in the affirmative and 24 voted in the negative, with 15 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Facilitate the Creation of Airport Authorities
(S.P. 191) (L.D. 599)
(C. "A" S-484)

An Act To Improve Solid Waste Management
(H.P. 610) (L.D. 810)
(C. "A" H-799)

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

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)

An Act To Make Marine Resources Management More Responsive

(S.P. 752) (L.D. 1958)
(C. "A" S-474)

An Act To Provide a State Income Tax Deduction to Dentists for Military Pensions

(S.P. 778) (L.D. 1984)
(C. "A" S-476)

An Act To Strengthen the Maine Small Business and Entrepreneurship Commission

(S.P. 789) (L.D. 1995)
(C. "A" S-477)

An Act To Protect Children in Vehicles from Secondhand Smoke

(H.P. 1396) (L.D. 2012)
(C. "A" H-785)

An Act To Conserve Gasoline and Preserve Clean Air

(H.P. 1440) (L.D. 2056)
(H. "B" H-820 to C. "A" H-765)

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)

An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process

(H.P. 1580) (L.D. 2213)
(C. "A" H-791)

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

(H.P. 1582) (L.D. 2216)
(C. "A" H-753; S. "A" S-493)

An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority

(H.P. 1636) (L.D. 2271)

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, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake

(H.P. 1473) (L.D. 2087)
(C. "A" H-804)

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

An Act To Maintain the Amount of State Land That Is Open for Hunting

(H.P. 497) (L.D. 648)
(H. "A" H-781 to C. "A" H-756)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 297

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

NAY - NONE.

ABSENT - Barstow, Blanchette, Burns, Conover, Dunn, Duprey, Emery, Gerzofsky, Marley, Muse, Pendleton, Percy, Pineau.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Grassroots Lobbying

(S.P. 481) (L.D. 1393)
(C. "A" S-479)

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

On motion of Representative PATRICK of Rumford, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Amend Certain Laws Related to Environmental Protection

(S.P. 809) (L.D. 2119)
(C. "A" S-482)

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

On motion of Representative KOFFMAN of Bar Harbor, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State

(H.P. 1506) (L.D. 2126)
(C. "A" H-798)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 298

YEA - Adams, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Berube, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Fitts, Gifford, Jackson, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, McFadden, McLeod, Moore, Pinkham, Robinson, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker.

ABSENT - Barstow, Blanchette, Conover, Dunn, Emery, Fisher, Gerzofsky, MacDonald, Muse, Pendleton, Pineau.

Yes, 109; No, 31; Absent, 11; Excused, 0.

109 having voted in the affirmative and 31 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Encourage Renewable Energy and Energy Conservation in Maine

(H.P. 1529) (L.D. 2149)
(C. "A" H-790)

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

On motion of Representative FITTS of Pittsfield, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 299

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen,

Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Moore, Nass, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Cain, Conover, Dill, Dunn, Emery, Gerzofsky, Miramant, Muse, Pendleton, Perry, Pineau, Weddell.
Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

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

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

TABLED - March 19, 2008 (Till Later Today) by Representative PERRY of Calais.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative PERRY of Calais, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-886)** which was **READ** by the Clerk and **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-445)** and **House Amendment "A" (H-886)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "B" (H-788)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

(H.P. 532) (L.D. 701)

TABLED - March 26, 2008 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

The Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-788)** was **READ** by the Clerk.

Representative BLANCHARD of Old Town **PRESENTED House Amendment "A" (H-845)** to **Committee Amendment "B" (H-788)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has been hanging around the House since June of last year, an amendment had been passed, and it was tabled until this session here. Ladies and Gentlemen, this amendment is not to increase gambling in the State of Maine, but basically it is to return the Penobscot Tribe what they had in the past.

This amendment will do two things: First of all, it will allow just 100 slots, and not 400. Second, these slots will only be active when the tribes are having their super bingo weekends. Now the reasons for this amendment—probably it is two or threefold, and maybe more than that—but the Tribe had slots when they initially started having super bingo weekends. The state removed them, they continued with their super bingos, they were quite successful, and they were able to maintain a lot of the programs and to drive and institute it. But basically what had happened over the past three or four years, the Bangor Slots had cut in, took basically some of the proceeds that the Tribe needed, and this is not because I am against the Bangor Slots, okay? What happens is that the Tribe puts together what they have to do to transport out-of-staters, you know with bus arrangements, hotel arrangements and whatever is needed for the weekend of bingo. So the busloads come, and there is no place for them to stay in Old Town or Orono because we only have two small motels, so they stay in the Bangor area. The first day, which is the first day which is on a Saturday, they all arrive at the bingo parlor, and they play all day long. The second day, of course they are staying in Bangor, so if they get a little bit bored they say let's stay here and we'll go play Bangor Slots, so the revenues have dwindled and I do not blame the Bangor Slots.

All I say is that what is fair is fair. The loss of revenue has hurt so bad that they have had to layoff two of their fish and wildlife game wardens, which the state is now helping to pick up as far as covering their Indian territories. There have been cuts in their youth programs; there have been cuts in their medical service programs on the special functions for alcoholism, drug abuse, and family abuse. The Tribe recognizes that this is not a fix all; these 100 slots probably will take quite a while to replace the income that they have lost. We hope that this is more than a Band-Aid. These are very, very proud people. I ask for your support on this amendment and I would ask the Speaker, and I request for a roll call. Thank you, Mr. Speaker.

Representative **BLANCHARD** of Old Town **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-845) to Committee Amendment "B" (H-788)**.

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 Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe I would be remiss in my responsibility to point out to this body that the good Representative from Old Town, Representative Blanchard, has what is in his mind the very best thoughts and feelings of compassion and empathy for the tribe that is in his district, and I would expect no less from the good Representative from Old Town, he has always been a caring, compassionate person. But I need to remind you that with the 100 machines, whether it is 400 or 100, come the state regulations that were passed into law by this Legislature that regulate gambling, and to limit the Tribe to 100 machines that will only run on what is by today's practice but can, at the Tribe's discretion, change to 26 weekends a year—right now they are only running 7—that is not going to make enough money to pay the light bill on that bingo parlor up there, much less distribute the proceeds to all of the charitable

organizations that are going on. I am the first one to stand here and tell you that the tribes in Maine, both the Passamaquoddy, the Penobscot, and the other two tribes have trouble, but I am also here to tell you that the residents of the State of Maine do too, so I am going to ask you to defeat this Adoption of Amendment "A," and let's put this to bed finally.

Representative **PINGREE** of North Haven assumed the Chair.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-845) to Committee Amendment "B" (H-788). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 300

YEA - Austin, Ayotte, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Harlow, Hill, Hinck, Jackson, Jacobsen, Johnson, Joy, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, McDonough, McFadden, McLeod, Miller, Millett, Mills, Nass, Patrick, Peoples, Perry, Pieh, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Simpson, Sirois, Sykes, Tardy, Theriault, Tibbetts, Trinward, Tuttle, Vaughan, Walker, Weddell, Mr. Speaker.

NAY - Adams, Annis, Babbidge, Beaudette, Blanchette, Curtis, Driscoll, Duprey, Finch, Fischer, Fisher, Flood, Hanley S, Haskell, Hayes, Hogan, Jones, Knight, Mazurek, McKane, Miramant, Moore, Norton, Percy, Pilon, Plummer, Rand, Rector, Silsby, Smith N, Strang Burgess, Sutherland, Thibodeau, Thomas, Treat, Valentino, Wagner, Watson, Weaver, Webster, Wheeler, Woodbury.

ABSENT - Barstow, Conover, Dunn, Emery, Kaenrath, Muse, Pendleton, Pineau.

Yes, 101; No, 42; Absent, 8; Excused, 0.

101 having voted in the affirmative and 42 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-845) to Committee Amendment "B" (H-788) was ADOPTED.**

Committee Amendment "B" (H-788) as Amended by House Amendment "A" (H-788) thereto was ADOPTED.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

An Act To Amend the Laws Regarding School Funding (EMERGENCY)

(S.P. 741) (L.D. 1932)
(CC. "A" S-467)

TABLED - March 27, 2008 (Till Later Today) by Representative **PINGREE** of North Haven.

PENDING - PASSAGE TO BE ENACTED.

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. This is the bill the Committee of Conference worked on. This bill has a lot of good things in it but unfortunately it went too far, and because this bill goes too far I certainly cannot vote for it, and I invite you to follow my light.

Representative **NORTON** of Bangor **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 301

YEA - Annis, Austin, Ayotte, Babbidge, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Chase, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Gifford, Giles, Greeley, Hanley S, Hayes, Hill, Hogan, Jackson, Johnson, Jones, Joy, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, Miller, Miramant, Moore, Patrick, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Rector, Richardson D, Rines, Rosen, Sarty, Savage, Silsby, Simpson, Sirois, Smith N, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Beaudette, Beaulieu, Berube, Blanchette, Cain, Carey, Casavant, Cebra, Clark, Craven, Driscoll, Duprey, Flood, Gerzofsky, Gould, Grose, Hamper, Harlow, Haskell, Hinck, Jacobsen, Lansley, Lewin, Marley, McKane, McLeod, Millett, Mills, Nass, Norton, Percy, Plummer, Prescott, Priest, Rand, Richardson W, Robinson, Samson, Saviello, Schatz, Strang Burgess, Sykes, Watson, Webster.

ABSENT - Barstow, Conover, Dunn, Emery, Kaenrath, Muse, Pendleton, Pineau, Tuttle.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "B" (H-853)** - Minority (1) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties" (H.P. 218) (L.D. 262)

TABLED - March 31, 2008 (Till Later Today) by Representative **PIOTTI** of Unity.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to

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

ROLL CALL NO. 302

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

NAY - Blanchette, Giles, Joy, McLeod, Rand, Rines.

ABSENT - Barstow, Berube, Conover, Dunn, Emery, Muse, Pendleton, Pineau.

Yes, 137; No, 6; Absent, 8; Excused, 0.

137 having voted in the affirmative and 6 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-853)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-851)** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-852)** - Report "C" (1) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

(H.P. 1159) (L.D. 1650)

TABLED - March 31, 2008 (Till Later Today) by Representative **PIEH** of Bremen.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-851)** was **READ** by the Clerk.

Representative **PRATT** of Eddington **PRESENTED** **House Amendment "A" (H-887)** to **Committee Amendment "A" (H-851)**, which was **READ** by the Clerk.

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

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the opportunity to rise today and offer my House Amendment to a very, very good and well thought-out and well played out bill, LD 1650. I respect all the hard work that has gone into this bill, and by offering the House Amendment, I by no means am attempting to cause any trouble or stir anything up, or make people unhappy with me, but I do believe this is important for a number of reasons.

Number one, I know, as everyone else in this body, I came down here to make good public policy. That was my goal; that is what I wanted to take part in—good, solid public policy—and I had, I thought we had in the original LD 1650, a fantastic piece of good, good public policy, and I still believe that today. The way things work down here, which I am slowly beginning to understand, is that you do not always get what you want, and I understand that and appreciate all the hard work that went into getting where we are, but the Majority Report is, in all honesty, significantly watered down from the original bill. The original bill is 12 good pages of, like I said, of some fantastic public policy that we cannot talk about because that is not what we are talking about right now, I understand that, but we need House Amendment "A" for a couple of reasons.

One of the big parts is the reporting requirement, that is what I am looking for. All I am asking is that these big, huge seed companies that sell genetically engineered material in the State of Maine have to tell us, the policymakers who make decisions and make laws about it, how much potential acreage they have sold. That is all this amendment does. It is a little piece added on to a very good bill. It does not do anything to identify who the grower is or where he lives, or even what grower is growing what. All it does is says that we, the policymakers, need to have the information in order to make your public policy.

People have asked why this is a big deal, why is this reporting requirement the sticking point, how come this is where you deviated from the rest of the committee? I will say there is an example of why we need this that has happened right here in the State of Maine. Genetically engineered alfalfa had a federal injunction placed on it because it had not been environmentally vetted enough. The feds said that you have to stop selling this stuff. Our own Maine Department of Agriculture did not know that GE alfalfa was being grown in two counties in the State of Maine, so we brought it to their attention during the deliberations of this bill. If we had the House Amendment attached to this bill, we would have known—we would have known—and that is all I ask. Knowledge does not hurt, having the information does not hurt; it is not an unfair advantage or a disadvantage to anybody else, it is not GE versus organic. All this bill does is give us the information we need. I am sure everybody is tired; we have been doing a lot of hard work here lately, there is more to be done, there is more to be done in regards to this type of legislation. All I ask, right now, is for your support to keep and make it whole. This reporting piece is a perfect addition, it is what we need to make rational and good decisions, so thank you for your time, and I appreciate it.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess I will start out with a phrase from the New Testament; my Uncle Nate will appreciate: You reap what you sow, or so it says. But in today's world of genetically modified seeds, you cannot really be that certain, and that is one of the reasons, or the Genesis to get back the Old Testament, for my putting this bill in last season.

I have, like many of you, a number of growers, small businesspeople if you will, in my district, who rely on the integrity of their seeds and without that integrity, their markets will literally dry up and they will cease to be profitable. So this bill, as the good Representative Pratt has pointed out, does not go as far as the original bill, but it is a substantial improvement of what has been on the books, or what is being implemented, and the amendment adds that one feature of reporting which will be very beneficial as we make decisions for the future. So I would ask

you to support the amendment, and make that part of the bill that we just passed. Thank you.

Representative **PIEH** of Bremen **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-887) to Committee Amendment "A" (H-851)**.

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 Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to take a moment to add my support to the pending amendment. It is never a bad idea to have information available, that is what the amendment does. This does not directly impact our forum, so I am not looking at it from that perspective, but from the overall view of the agricultural community, I think this is appropriate and worthwhile and will be supporting the pending motion. Thank you.

Representative **TARDY** of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think it was a good thing that we heard the Committee Report read, because I think that was an excellent work product of that committee, and it is only with great respect that I suggest that we support this additional amendment.

I said, in one of our Democratic caucuses the other day, that I was agnostic as to OPEGA, and by that I simply meant I simply feel that you look at it on the merits and if it is good or bad, leave all the ideological angles out of it, and if it works, fine; if it does not, fine. I feel the exact same way about genetically modified engineered foods; I do not have any opinion. I meet people sometimes in conversation, who are adamantly for it or adamantly against it; I do not have any opinion. Either way, I feel like we should just follow science wherever it leads, but I guess the question that still stands, and I think it is a valid one, is that we are not sure yet in the history of the world where it does lead, and that we should look scientifically and agnostically at that. This is not for or against that methodology; it is simply seeking to gather information about it.

The other day I mentioned that I believe strongly in civil liberties in our society and I absolutely do, and I believe in a libertarian view, in fact, in our society of your own personal choices, but you can only have a libertarian view if you have information on which to base that decision, and right now, oddly, there is a situation where a corporation can have information that they hold tight and closely, and that individuals and policymakers do not have that information. In a civil society, if we are going to make effective policy decisions, we need to let the sun shine and make decisions based on information about these products, and maybe it will all be to the good or maybe there will be questions that will be raised, but when there is, as was noted by Representative Pratt, an injunction, when products were sold that were in violation of environmental statute, then I think it is time to gather a little more information. So what this amendment does, in my view, is only add to the sunshine, only add to the choices, and only add to the information that we have in a civil society, and I think it is a beneficial addition to the Committee Report. I thank the Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is a carryover bill from last session, LD 1650; it came before our committee again this year. We instructed the agriculture industry to sit down and take a look at this bill, work together to see if they could find some kind of an agreement on how this bill should be taken care of. That is the Majority Report, which is the agriculture community working together, on several occasions, sitting around the table and discussing the issues. The Majority Report is supported by those folks on the Agriculture Committee, and this language in this amendment was something that the agriculture industry never considered. They do not find this necessary, this reporting, and I will not be supporting the amendment, for we have not vetted that with the agriculture industry and I am not sure that they would want us to do that, that is why I will vote against it. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **HASKELL**: Thank you, Mr. Speaker. I appreciate the purpose of this amendment. My concern is with the subsection that indicates that the data will remain confidential, and my question is whether or not this statute is sufficient protection against the freedom from access to information request, and, if a FOIA should be proposed, whether the information would have to be turned over. Thank you.

The SPEAKER: The Representative from Portland, Representative Haskell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would be more than happy to answer that, because I went through that whole process with both our own committee and in the Judiciary Committee, and filled out their rubric as what would be okay and would not be okay. It was a Unanimous Committee Report out of Judiciary that it was not in violation of freedom of access. If anything, this is opening up the access. The reason that I put that in there was one of the major concerns of the big Monsanto's and such was that they did not want to lose competitive advantage by people knowing how much seed or who sold what, so all that is going to be available to the public is the total aggregate data, not by per company, so that is why that is in there. I hope that answers the question.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do rise in opposition to the pending motion, and it is with regret. I have great respect for the Representative from Eddington, Representative Pratt, and all that he stands for, and while I think information is a wonderful thing to have, we have a couple of stumbling blocks around this report.

One is that it was not part of the unanimous feedback that we got from the group that we put together, and then they would get back together, and then they would get back together looking for unanimous consensus that we could move forward with in protecting our seeds. What we did learn in it is that when manufacturers sell genetically engineered seed into Maine, they have to keep a report for two years that is accessible to the Commissioner of Agriculture, and the information is confidential. So at any time, the Commissioner can call and get more information than would come from the reporting, which would simply say that there were some seeds

sent to Maine. My sense of this is hopefully we can move forward in other directions, but at this point in time we do have adequate knowledge base for information should choose to exercise it.

The only other concern I have is there are some seed catalogs being sent out by some seed companies that say they will not be selling seeds to any state that requires reporting, whether they have told us this or not, I do not know, but I suspect our rank and file farmers do not really want to take that risk at this time. And, again, I commend the good Representative from Eddington for this statement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I come from a family of farmers and gardeners, and I am concerned for the seed growers of Maine that we have a situation now which is untenable, because the threat of genetically modified seeds is not abstract, it is very real and concrete for those who grow heirloom seeds and heirloom crops in our state.

I have great respect for the House Chair of this committee, and for the work of this committee, and for the Majority Report which they have put on, but I am concerned that we need this information, and I am aware that this information is already available, as the good Chair has pointed out. It seems to me it is a very small matter to simply ask for that information. Currently, unfortunately, the information is not public, and so all that the good Representative from Eddington is asking is that we support him and Maine's growers—Maine's heirloom variety growers, organic farmers, local farmers—in having access to that very important information. Frankly, I think of the threat of not selling seeds is a straw man at best and blackmail at worst. I do not think that Maine should respond to that anymore than we did with the threat of Real ID. I think this is a good amendment, we should support it, and I hope my colleagues will follow me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a farmer and I do raise seeds for a seed company, and being a seed raiser, it is up to me to provide the setbacks and whatever I need to make sure that I do provide the integrity of the seeds when I raise these seeds, and that is what this study group came out with, was to provide setbacks out of best management practices for the Department of Agriculture. I believe that we do not need anymore reporting, we have all the information that is at the Department of Agriculture. If there is a problem that exists, you contact the Department of Agriculture; you can get all of that information. I will not be supporting the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

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

The SPEAKER: The Representative may pose her question.

Representative **LEWIN**: Thank you, Mr. Speaker. First, I would like to know if we have staff to do something with the information that we get; what is it going to cost for staffing to do something with the information we get; and basically, what are we going to do with the information we get—are we going to be developing other programs or other plans from that information? I would like to know if we are going to have seed pulleys, and, if we are, what is it going to be costing the state. Thank you.

The SPEAKER: The Representative from Eliot, Representative Lewin has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Mr. Speaker. The amendment has a fiscal note that says minor cost increase, so, currently, the financial issue is not large. I will give a plug though: the Department of Agriculture is badly underfunded. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A little bit of that answer might be that the farms who can get the information can monitor their crops. What's happened, that I would not have believed awhile ago and that the bill, 1650, takes care of, is that the large seed providers, when after farmers who were busy raising their crops and just oblivious to the fact that the prevailing winds had blown the pollen into their crop, that their next seed had pieces of the genetically engineered crop in it, and they were taken to court for stealing from large agricultural companies. It seemed comical, except the courts ruled against them, and they had to pay royalties to the seed company from the drift from the neighboring farm.

One of the great directions they have gone with this technology is to provide gene splicing that will kill the seed from the next crop, so you cannot gather your seed and use it again. If you choose to purchase that that is wonderful, if you want to have something that you keep buying each year so you are at the mercy of the company. But if your neighbor suddenly finds that they have a crop that will not produce seed, when they rely on it, that would not be so good, and you say could not happen, but who would have thought you be paying royalties on drift. So we can provide a mechanism to protect those who would be unwittingly affected by this, and not have something happen again. 1650 took care of our farmers so that they won't be paying these royalties when they are not participating in the program, but they are taking this much further and we do not require much for proof that this is safe, so let's at least protect those that would like to watch out for themselves and not have the state policing it. Thank you.

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

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Very quickly, I will not prolong this any longer than we have to, just a couple of things that we raised that I want to make sure we get squared away.

We have heard of this group, this great stakeholders group that went away and did all the work for us, came back and gave us something wonderful. I appreciate the work they did, that was a great group. That was not in specific regards to the bill as it was, that was a group that we asked to talk just about one part of that bill, which was seed integrity. We did not ask them to talk about reporting requirements, because that is not what we asked them to talk about; we asked them to talk about seed integrity. So they went and talked about seed integrity, and they brought it back to us, and we heeded their word and got a lot of good out of that. But I do not want people to think that we put this task force out there to take LD 1650 and fix it to the point where they could give it back to us and we could rubber-stamp it. That was not their job, and that was not the goal of that group. They did great work, but it did not incorporate everything that LD 1650 was dealing with.

Secondly, I would like to talk about this idea of the seed companies not doing business in Maine anymore. Oh, gee, poor Monsanto, they are not going to be able to come here and sell their seed—I do not buy it. I do not buy it because it was the same argument that they used against licensing Bt corn, which

has to be licensed as a pesticide with the Bureau of Pesticides Control. They said you cannot put these rules on us, you cannot do it; we will pull up and take our ball and go back to Missouri. The fact is they did not do it. Not only did they not do it, they are coming back and asking to license more Bt crops in the state after these horrible, draconian rules that we put on in order to protect farmers, so I do not buy it. It is not going to stop anybody from selling their seed here, it is going to make sure we have the information we need. It is not too much to ask. The information is there, but we do not get it. I don't get it, you don't get it, the people don't know. All I am asking is that you allow the people to know, and have the Department of Agriculture release, in a report, every year, the total potential amount of acreage of genetically engineered crops in the State of Maine. It is not too much to ask, I really don't believe so and that is why I am fighting this hard with the utmost respect for my colleagues in this body, and especially in the Ag Committee. I thank you for your time, and I urge your support once again.

The **SPEAKER**: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to read, if I could, word for word out of this book right here, it is a Seedway catalog, who I order my seed from, and it says" Please read: GE varieties are not available for shipping to Maine, Vermont and other states restricting or considering restricting the sale of GE items, or mandating comprehensive reporting requirements." That is out of a catalog and that is what will happen if we put this reporting requirement onto these seed companies, they will pull out of the state. We are a very small part of the agriculture climate in the United States, and it will not bother them to pull these seeds out. So I just wanted to verify that that is your information that is in the catalog. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am sorry to rise again, but we are playing good crop, bad crop. What I would like to point out that the objective of the bill and in this amendment is not to start governing the use of these seeds, but again, to provide for information so that we can make wise decisions when it becomes more important to decide how it is going to be used, what the strategies are, the best practices if you will. So I think if we look at it in that sense, that this is a beneficial addition and not an awesome threatening addition. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A corn grower in Caribou, who seeds corn in addition to his potatoes, grows corn to be used in pellet stoves, and he has informed me that this year his seed source, the company has refused to sell him seed, being afraid they may be sued because of the laws that are being considered in the State of Maine. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-887) to Committee Amendment "A" (H-851). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 303

YEA - Adams, Babbidge, Beaudette, Beaudoin, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Casavant, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman,

MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Moore, Norton, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Carter, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hill, Jackson, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Barstow, Conover, Dunn, Emery, Muse, Pendleton, Peoples, Pineau.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-887) to Committee Amendment "A" (H-851) was ADOPTED.**

Committee Amendment "A" (H-851) as Amended by House Amendment "A" (H-887) thereto was ADOPTED.

The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-863) - Committee on MARINE RESOURCES on Bill "An Act To Amend Maine's Scallop Laws"

(H.P. 1455) (L.D. 2071)

TABLED - March 31, 2008 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-863) was READ** by the Clerk and **ADOPTED**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative PERCY of Phippsburg **PRESENTED House Amendment "A" (H-889), which was READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-863) and House Amendment "A" (H-889) and sent for concurrence. ORDERED SENT FORTHWITH.**

SENATE PAPERS

Bill "An Act To Amend Teacher Confidentiality Laws"

(S.P. 912) (L.D. 2291)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity

(H.P. 1653) (L.D. 2292)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator MILLS of Somerset and Representatives: BLISS of South Portland, HINCK of Portland, PINGREE of North Haven, PRATT of Eddington, THERIAULT of Madawaska.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-873)** on Bill "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

(H.P. 1428) (L.D. 2044)

Signed:

Senators:

BRANNIGAN of Cumberland

RAYE of Washington

Representatives:

PERRY of Calais

JONES of Mount Vernon

GROSE of Woolwich

MILLER of Somerville

BEAUDOIN of Biddeford

CONNOR of Kennebunk

CAMPBELL of Newfield

LEWIN of Eliot

FINLEY of Skowhegan

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

Signed:

Senator:

MARRACHÉ of Kennebec

Representative:

WALKER of Lincolnville

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-873) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, April 2, 2008.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Joint Order Directing the Joint Standing Committee on Health and Human Services to Report out, to the House, a Bill making

technical corrections to the Law relating to flavored cigarettes and cigars

(H.P. 1640)

Which was **TABLED** by Representative PERRY of Calais pending **FURTHER CONSIDERATION**.

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

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I been in my seat for Roll Call No. 296, I would have voted with the vast majority of you, yes. Additionally, had I been in my seat when you all voted on Roll Call No. 297, I also would have voted yes.

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. In regards to Roll Call No. 297, for LD 648, if I had been present in the Chamber, I would have voted yea.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 281, on LD 2289, on 31 March, 2008, had I been present in the Chamber, I would have voted yea.

On motion of Representative BLANCHETTE of Bangor, the House adjourned at 1:03 p.m., until 9:00 a.m., Wednesday, April 2, 2008.