

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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Pages 1358-2163

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
2nd Legislative Day
Wednesday, April 2, 2008

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

Prayer by Pastor Jacqueline Brannen, East Monmouth United Methodist Church and United Church of Monmouth.

National Anthem by Cony High School Madrigals, Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 911)

**JOINT RESOLUTION IN SUPPORT OF THE EXPANSION OF
DOWNEASTER RAIL SERVICE IN MAINE**

WHEREAS, since its inception in 2001, the Downeaster rail service operated by Northern New England Passenger Rail Authority has proven indispensable to the economy of Maine; the train now makes 5 round trips daily from Boston to Portland and is carrying more than 350,000 passengers per year; and

WHEREAS, communities along the route have enjoyed substantial economic development directly resulting from regular and reliable rail service, and this service offers to Maine citizens and visitors a travel option that is convenient, environmentally clean and safe; and

WHEREAS, the Downeaster allows commuters to work productively in a pleasant environment while traveling at speeds as high as 79 miles per hour, and rail service allows families to vacation together cheaply, safely and free from the stress and expense of travel by car; and

WHEREAS, the State of Maine's transportation policy encourages movement of freight and passengers by rail to relieve truck impact on roads, to mitigate highway congestion and to provide environmental advantages; and

WHEREAS, improvements to the rail bed, switching systems and other elements of infrastructure related to the Downeaster have enhanced and accelerated freight service for Maine manufacturers, and, since the extension of Downeaster service to Brunswick will provide similar track improvements along that route, additional benefits will accrue to Maine freight rail customers; and

WHEREAS, increases in fuel costs are a challenge to many Maine consumers and to industries, including tourism, Maine's largest industry, and enhancement of rail systems is a proven strategy to meet the challenge of increased energy costs for business commuters, for tourists and for freight forwarders; and

WHEREAS, the Downeaster's privately owned rail line pays property taxes to each municipality through which it passes and yet retains responsibility for purchasing and maintaining its own infrastructure; and

WHEREAS, it is not possible for privately owned passenger rail systems to survive without subsidy when competing with carriers using highway systems built and maintained with tax revenue; and

WHEREAS, the Downeaster passenger service was successfully launched and has since grown with the aid of federal subsidies that will end in 2009; and

WHEREAS, the benefits of passenger rail service into Maine can be greatly enhanced by extending the service north of Portland to Freeport and Brunswick, thus permitting passengers to travel between Boston and Brunswick on a single seat ticket; and

WHEREAS, an extension to Brunswick will permit passengers to connect with an existing line already servicing communities from Bath to Rockland and the extension may later permit adding service to other important locations in Maine, such as from Brunswick through Augusta to Bangor; and

WHEREAS, extensions could also occur from Yarmouth through Auburn to Lewiston, from Yarmouth to Bethel and from Portland to Fryeburg using the line known as the Mountain Division Rail, with a commitment to look at further expansions of passenger rail as they become feasible and economical; and

WHEREAS, since powerful demographic and market forces are driving the national growth of transit-oriented development, investment in passenger rail service will sustain transit-oriented development in currently served communities and could lay the groundwork for transit-oriented development across midcoast Maine and northward; and

WHEREAS, implementation of the Downeaster's business plan will greatly increase ridership, will bring more commuters and tourists into Maine, will relieve highway congestion, will encourage transit-oriented development along the rail corridor and will improve freight service; and

WHEREAS, while the current Downeaster business plan will require substantial public subsidies, the expansion will significantly increase ridership, which, through economies of scale, will reduce the subsidy per passenger mile and enhance the net public benefit; and

WHEREAS, according to a recent study by the Center for Neighborhood Technology, by 2030 development associated with Portland-Boston Downeaster service will generate \$3,200,000,000 in cumulative construction investment, create more than 8,100 jobs and contribute an additional \$55,000,000 in tax revenues annually to Maine; and

WHEREAS, also by 2030, the additional benefits associated with expanded service to Brunswick, with connections to Rockland, will generate an additional \$1,000,000,000 in construction investment, create an additional 2,400 jobs and add an additional \$16,500,000 in annual state tax revenues; and

WHEREAS, the counties through which the Downeaster line currently passes, and will pass in the future, are the primary benefactors of those developments, and so methods of capturing the increased economic benefits should be explored; and

WHEREAS, the existing Portland-Boston service and the proposed Brunswick link are essential foundations for future extension of freight and passenger rail services northward in Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our support of the intent that, upon the conditions specified below, the State will provide its share of operating subsidy for Downeaster rail service of approximately \$8,000,000 per year beginning in fiscal year 2010; and be it further

RESOLVED: That, upon the conditions specified below, the State will provide its share of debt service subsidy for a term of 25 years to amortize up to \$31,500,000 in capital investment to expand rail service from Portland to Brunswick; and be it further

RESOLVED: That this intention by the State to fund subsidies and capital improvements is conditioned on an exercise of best efforts by Northern New England Passenger Rail Authority and the Department of Transportation to obtain such further capital and operating support for the Downeaster service as may be available from federal funds, other participating states and private and governmental sources.

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

READ.

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. During this session, the Rail Caucus was created to explore funding, expansion and sustainability of the rail service in Maine. After witnessing the significant economic impact that having rail service in southern Maine has had, our hope with the Rail Caucus was to increase the positive impact by encouraging the growth throughout Maine.

Rail travel has many benefits: It is both convenient for people and transporting products, it is safe, it provides relief to commuters on our overburdened highways, and the impact rail has on the environment is remarkable. It not only relieves highway congestion, but reduces pollution and improves air quality.

Rail is also proven to strengthen the economy. Many communities, like Saco and Old Orchard Beach, are experiencing an economical transformation because they are easily accessible by rail and people can walk wherever they need to go within these towns, eliminating that need for further transportation by car or bus. Expanding rail service north to Brunswick is crucial for both freight transportation and passenger service. From this expansion, rail service could be extended from Yarmouth to Lewiston and Auburn, or to Bethel, from Portland to Fryeburg, using the Mountain Division rail line, or from Brunswick to Augusta, Waterville, Bangor, and points north. Expansion to Brunswick would connect Mainers and tourists to the existing line that the Maine Eastern Rail uses for excursion trips to Rockland. This one link can connect all of these lines together. Can you imagine taking your family on a day trip to Rockland, and only having to use your car to drive a short distance to your local train station and back home again? No traffic or construction to deal with, no gas price woes, no road rage, no circling parking lots like a shark looking for a place to leave your vehicle all day. All you have to do is sit back and enjoy the beautiful Maine scenery passing by your window.

In the next 20 years, a recent study has projected that development associated with the Portland to Boston service will generate \$3.2 billion in construction investment. It will create more than 8,000 new jobs and contribute about \$55 million in tax revenues, annually, to Maine, and that is just the Portland to Boston service; by expanding to Brunswick, we would add another \$1 billion to that construction investment, another 2,400 jobs, and an additional \$16.5 million in state tax revenue. Now imagine what we could add by expanding that rail service from Brunswick to Bangor or Calais, from Portland to Fryeburg. There is much potential just waiting to be tapped.

This Joint Resolution is not intended to direct money anywhere during this biennium; it was created to show that the 123rd Maine Legislature supports expanded rail service, passenger rail service, and freight rail service throughout Maine. It supports legislation that this body passed last year, intending that the state pay an operating subsidy for the Downeaster, it supports the further exploration of the economic benefits from rail, and it supports doing all that we can to help the Northern New England Passenger Rail Authority and the Maine Department of Transportation to get our Maine rail system heading in the right direction. Investing in Maine rail service is smart policy. We are looking for alternatives to the pain we feel at the pump, we are looking for ways to lessen the negative impact, we are looking to help Maine's economy prosper; investment in rail is a practical start. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on **ADOPTION**.

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 Adoption. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 304

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Craven, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Giles, Gould, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jones, Koffman, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Bliss, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Fisher, Gifford, Greeley, Jacobsen, Joy, Knight, Lansley, McFadden, McKane, McLeod, Millett, Pinkham, Robinson, Sarty, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Weaver.

ABSENT - Browne W, Canavan, Connor, Crockett, Dunn, Emery, Fischer, Gerzofsky, Hamper, Hogan, Johnson, Kaenrath, MacDonald, Muse, Pendleton, Pieh, Saviello, Silsby, Walker, Weddell.

Yes, 101; No, 30; Absent, 20; Excused, 0.

101 having voted in the affirmative and 30 voted in the negative, with 20 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

(H.P. 1508) (L.D. 2129)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728) AS AMENDED BY HOUSE AMENDMENT "A" (H-789) thereto in the House on March 27, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728) AS AMENDED BY HOUSE AMENDMENT "A" (H-789) AND SENATE AMENDMENT "A" (S-535)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY)

(H.P. 1351) (L.D. 1918)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671) in the House on February 12, 2008.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 496)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 28, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2272 An Act To Reduce the Percentage of the Cost
of Local Schools Paid by the State from 55% to
49% (EMERGENCY)

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

Sincerely,

S/Sen. Peter B. Bowman

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 497)

STATE OF MAINE

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

March 28, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1939 Resolve, To Establish a Method for Reporting
the Statistics of Diseases

L.D. 2032 An Act To Implement a Consent Judgment
Regarding OxyContin Abuse

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 498)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

March 28, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2036 An Act To Clarify Governmental Liability with
Respect to Transfer Stations

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 499)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 28, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2244 An Act Concerning Traffic Safety Cameras

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 494)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 31, 2008

The Honorable Beth Edmonds

President of the Senate

The Honorable Glenn Cummings

Speaker of the House of Representatives

123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Department of Education under the State Government Evaluation Act. In its review, the Committee found that the

Department of Education is operating within its statutory authority.

Sincerely,

S/Senator Peter B. Bowman

Senate Chair

S/Representative Jacqueline R. Norton

House Chair

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

The Following Communication: (H.C. 500)

STATE OF MAINE

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

March 31, 2008

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine State Housing Authority.

In its review, the committee found that the Maine State Housing Authority is operating within its statutory authority. The committee supports the proposed legislation submitted by the authority and therefore has submitted to the Legislature on March 15th its findings and recommendations with respect to the Maine State Housing Authority.

Sincerely,

S/Lynn Bromley

Senate Chair

S/Nancy Smith

House Chair

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

The Following Communication: (H.C. 501)

STATE OF MAINE

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

March 31, 2008

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to the State Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Department of Professional and Financial Regulation.

In its review, the committee found that the Department of Professional and Financial Regulation is operating within its statutory authority. The committee supports the proposed legislation submitted by the department and therefore has submitted to the Legislature on March 15th its findings and recommendations with respect to the department.

Sincerely,

S/Lynn Bromley

Senate Chair

S/Nancy Smith

House Chair

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

The Following Communication: (S.C. 729)

MAINE SENATE

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

April 1, 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 Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY) (H.P. 1547) (L.D. 2173) was passed to be engrossed as amended by Committee Amendment "A" (H-806) as amended by House Amendment "W" (H-848) and Senate Amendments "K" (S-511); "P" (S-516) and "Q" (S-517) thereto in non-concurrence.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

At this point, the Speaker recognized the Representative from Oakland, Representative CONOVER and the Representative from Gorham, Representative BARSTOW, and they were added to the quorum call of the First Special Session of the 123rd Legislature.

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

ORDERS

On motion of Representative HILL of York, the following Joint Resolution: (H.P. 1654) (Cosponsored by Senator MARTIN of Aroostook and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, BABIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BLANCHARD of Old Town, BLANCHETTE of Bangor, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CRAY of Palmyra, CROCKETT of Augusta, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FITTS of Pittsfield, GERZOFKY of Brunswick, GOULD of South Berwick, GREELEY of Levant, HANLEY of Gardiner, HASKELL of

Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, JACKSON of Allagash, JONES of Mount Vernon, KAENRATH of South Portland, KOFFMAN of Bar Harbor, LEWIN of Eliot, MacDONALD of Boothbay, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, MILLS of Farmington, NORTON of Bangor, PATRICK of Rumford, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRIEST of Brunswick, RAND of Portland, RINES of Wiscasset, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, STRANG BURGESS of Cumberland, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, TIBBETTS of Columbia, TREAT of Hallowell, TRINWARD of Waterville, VALENTINO of Saco, WALKER of Lincolnville, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BOWMAN of York, DIAMOND of Cumberland, President EDMONDS of Cumberland, McCORMICK of Kennebec, NASS of York, RAYE of Washington, SHERMAN of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY TO CARRY OUT THE MODERNIZATION OF THE STATE OF MAINE'S FLOOD HAZARD MAPS AS ORIGINALLY SCHEDULED

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition R. David Paulison, Administrator of the Federal Emergency Management Agency, as follows:

WHEREAS, Maine is actively involved with the United States Department of Homeland Security, Federal Emergency Management Agency, known as FEMA, in administering the National Flood Insurance Program, known as the NFIP; and

WHEREAS, the NFIP is a program with mutual benefits between FEMA and Maine, in which the Federal Government underwrites flood insurance and provides communities with flood hazard identification in the form of flood insurance rate maps, in exchange for the communities regulating development in special flood hazard areas, areas with a 1% or higher annual chance of flooding; and

WHEREAS, approximately 93% of Maine's communities participate in the NFIP for the benefit of both sides; and

WHEREAS, Maine has 5,779 lakes and ponds, with approximately 5 million acres of wetlands, and approximately 5,300 miles of coastline and 91,000 miles of stream and river shoreline; and

WHEREAS, Maine has beautiful and rugged coastline and picturesque bodies of water, which experience significant growth pressures; and

WHEREAS, there are more than 2,772 square miles of floodplain in Maine, a greater land area than the State of Rhode Island, and there are approximately 33,000 civic, business and residential structures at risk of flooding in Maine; and

WHEREAS, more than 8,200 flood insurance policies are in effect in Maine, with more than \$1.5 billion in coverage; and

WHEREAS, there have been 4,079 claims paid by the NFIP in Maine since 1978, totaling more than \$31 million in paid claims, and the number and intensity of flooding events both riverine and coastal are increasing; and

WHEREAS, over 2,700 flood insurance rate map panels are in effect in Maine, with an average age of over 20 years, and

many properties are erroneously included in special flood hazard areas due to age and inherent mapping inaccuracies, including inadequate scales and inaccurate flood level delineation, and for the same reasons there is a potential of other properties being erroneously excluded; and

WHEREAS, due to the inherent inaccuracies in these flood maps, Maine leads the Nation in the per capita number of requests to FEMA for map corrections, and the expense of addressing these inaccuracies has fallen to the citizens and businesses of Maine; and

WHEREAS, Maine has eagerly chosen to participate in the NFIP's Flood Map Modernization program and prepared a business plan that was accepted by FEMA to identify and prioritize Maine's mapping needs priorities, and consistently update the business plan; and

WHEREAS, FEMA accepted a timeline to have all of Maine's flood insurance rate maps in the revision process by the year 2009 as a substantial number of the rate maps have not been revised and will be unable to adhere to that timeline unless changes are made, and this will result in plans that have no better accuracy this year than they did 30 years ago; and

WHEREAS, despite initial Federal Government commitments and mid-course modifications, fewer floodplain areas in Maine have flood maps with reasonable accuracy necessary to conduct community planning and floodplain management activities, and changes need to be made for the public good; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Department of Homeland Security, Federal Emergency Management Agency to take the steps necessary to ensure that the flood insurance rate maps for the State of Maine are revised in accordance with the original 2009 schedule as outlined in the State's business plan that was accepted by the Federal Emergency Management Agency; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to R. David Paulison, Administrator of the Federal Emergency Management Agency, and to each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill.

Representative HILL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have spoken to you about this before, and I am so happy it is before us today.

I just want to let you know a little something: When I first sent this in to the Revisor's Office, it was a bill to tell the Feds what we needed them to do, and one of the revisors called me and said sheepishly, Representative Hill, we can't tell the Feds what to do. So I said I understand that, but we have to find a way of communicating with them, so please put it in and I know we will work it out. So this is the result of that effort.

I would like to share with you that the Natural Resource Committee and the State Planning Office rolled up their sleeves and got to work with me on this. I thank them for it; they were a pleasure to work with; and as a result of that, we are attacking the floodplain map problem on three fronts.

First, Natural Resource Committee sent a letter; the Chair signed it, to the state agencies, eight of them who do mapping, asking them to please try to coordinate their mapping efforts with that of FEMA, so that we could offer FEMA more information to amend our maps.

Second, we have this Joint Resolution, and when I was helping draft this, I said, "You know, after we vote on this, what

happens with these?" and I had different responses. Some said they go in a box, some said maybe they go in the trash, some said they go in a bin, so right then and there I decided that was not going to happen with this. So I spoke to our Congressional Delegation and after this is passed, we will be meeting with them, SBO and myself, to have this delivered to the proper authorities in Washington.

Third, Maine Municipal Association heard of this, and they had many complaints from their towns. This is an issue for all Mainers in all districts, and what they did was offer to put it in their Federal Issues Paper of 2008, which has gone to Washington this month, so if you think that joint resolutions are just an opportunity for the Legislature to make a statement or vent, I am happy to report that I think they have much more effect; in fact, just knowing this was coming out, FEMA has called and asked to schedule meetings.

So I thank you all who joined in sponsoring it. I ask all of you, for the sake of all Mainers through the state, to please consider letting this bill through for Passage. Thank you so much, it is a pleasure working for all of you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to share the experience that I had with this issue, seven years ago, when my husband and I bought our new home: We were actually unable to close on our home mortgage until we showed proof of having purchased additional homeowner's insurance, flood insurance, of an additional \$500. Because of the State of Maine flood hazard maps being so outdated, it showed that our home was in the floodplain area. I went to our town assessor, who wrote a letter in support stating that the whole town of Mexico would have to be underwater in order for our home to even be at risk of flooding, considering we live almost on top of a mountain.

After closing on our new home, we had to hire a surveyor to survey our property to determine the sea level elevations for flooding purposes. After the surveyor obtained the information necessary, he contacted the FEMA agency, requesting permission to become exempt from the floodplain area. After spending a total of \$2,000 extra, and a year later, it was released from being categorized as being in the floodplain area and no reimbursement from the insurance company. This was a very frustrating experience for me because of these maps being so outdated.

When I heard Representative Hill, of York, discussing this issue, I expressed a very strong interest because of my experience with these outdated maps. I feel that updating these maps will be a real asset to our constituents throughout the State of Maine, with saving them a considerable amount of money and frustration. I would also appreciate your support with this order to be passed. Thank you, Mr. Speaker.

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. I certainly rise in support of this, and I am sure you will as well, but I wanted to correct yet again another misperception that we are all afflicted with. There was a time when a mere 13 colonies, comprised of 3 million Americans, stood up against the king. This idea, this flawed idea that a nation of 50 states and 300 million Americans cannot send a message to our Federal Government, is one that we ought not subscribe to. It is very important that the states speak up, and certainly our principles of federalism that help guide us in understanding our Constitution and the essence behind it, speaks to that. So certainly, let's support this but let's

also overcome this misperception that we have that we cannot tell our Federal Government what we wish for them to do. Thank you.

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

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Every time somebody gets a mortgage in the State of Maine or throughout the country, we have to check the property against the flood zone maps. The information is very important to every homeowner in the State of Maine; it is done on every transaction. Frequently, when somebody turns up in a flood zone and they go through the survey process, we find they are not actually in a flood zone. Getting this information accurately reported is very important, it will save costs to a lot of homeowners, and I urge you to support it. Thank you.

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

At this point, the Speaker recognized the Representative from Cutler, Representative EMERY, and he was added to the quorum call of the First Special Session of the 123rd Legislature.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

The Game Loft, a nonprofit youth center in Belfast, on the celebration of its 10th anniversary and its commitment to youth and community service. The Game Loft first opened its doors on February 1, 1998, founded by current Executive Directors Ray and Patricia Estabrook. It continues to pride itself in promoting "Positive Youth Development" through gaming camaraderie by playing nonelectronic games. Supporters of The Game Loft include the Department of Health and Human Services' after-school program, the City of Belfast, The Golden Rule Foundation and surrounding towns in Waldo County as well as donations from individuals and businesses. Staff members, including Executive Director Leah Watson, maintain open lines of communication with parents, ensuring that they are apprised of their children's activities. The student participants use gaming to learn about history, culture and people. The Game Loft has been named the #1 Exemplary Community Afterschool Program for the State of Maine by the Maine Afterschool Network. We acknowledge The Game Loft's civic contribution in providing a place for youth to gather and learn valuable interactive skills. We send our appreciation and best wishes for continued success;

(HLS 1162)

Presented by Representative GILES of Belfast.
Cosponsored by Senator WESTON of Waldo.

On **OBJECTION** of Representative GILES of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to rise in honor and in recognition of The Game Loft members from Belfast. As stated in the sentiment, The Game Loft is not all about electronic games, nor about video games. The Game Loft is about board games, but more important it is about games of thinking, it is about games of history, games of role-play, and games that teach our young people in our community, who join

The Game Loft, to learn about life, to become leaders among their peers and leaders in the community.

I want to share with you a little story about The Game Loft: The Game Loft started 10 years ago, when Ray and Patricia Estabrook actually started a store on Main Street in Belfast known as All About Games. What they learned quite quickly as they tried to sell their games to members of the community was, after school, the students came in and wanted to play games in the store. Well, as Ray has explained to me, he said that was no way to conduct business. "I can't sell games to people while it is filled with students, who are really having a good time, learning and interacting." What he did was he started a separate organization called The Game Loft, and The Game Loft is literally in a loft. It is over the store, and over time it has grown as a nonprofit organization in our community, which now services nearly 400 students, parents, families; it has a board of directors, which includes both adults and students; and today, The Game Loft, which continues to be known for the gaming, is also known for community involvement. Their student volunteers get involved in tremendous projects, they are known for the positive impact on Waldo County's youth.

Today, I am very proud to recognize The Game Loft members for their achievement for being recognized as an outstanding after school program, and I am truly pleased that I have some of these students here today, who will be our leaders for tomorrow. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice

(S.P. 910) (L.D. 2286)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 732.

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

Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 3, 2008.

Representative NORTON for the **Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine** on Bill "An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine"

(H.P. 1655) (L.D. 2295)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1513.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 3, 2008.

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

(S.P. 318) (L.D. 1001)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-459)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls
WOODBURY of Yarmouth
CHASE of Wells
LANSLEY of Sabattus

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-459) AND SENATE AMENDMENT "A" (S-543)**.

READ.

On motion of Representative WATSON of Bath, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-485)** on Bill "An Act To Enhance Economic Development in Maine's Aviation Industry"

(S.P. 770) (L.D. 1976)

Signed:

Senator:

NASS of York

Representatives:

PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WOODBURY of Yarmouth
GOULD of South Berwick
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-486)** on same Bill.

Signed:

Senator:

PERRY of Penobscot

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-485).

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-485)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 3, 2008.

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Guarantee Free Speech in Privately Owned Public Gathering Places"

(H.P. 1065) (L.D. 1540)

Signed:

Senator:

HASTINGS of Oxford

Representatives:

SIMPSON of Auburn

MILLS of Farmington

JACOBSEN of Waterboro

BERUBE of Lisbon

GOULD of South Berwick

NASS of Acton

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-876)** on same Bill.

Signed:

Senators:

HOBBINS of York

NUTTING of Androscoggin

Representatives:

BRYANT of Windham

CASAVANT of Biddeford

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-877)** on same Bill.

Signed:

Representatives:

DUNN of Bangor

DILL of Cape Elizabeth

Representative LORING of the Penobscot Nation - of the House - supports Report "A" **Ought Not to Pass**.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 528) (L.D. 1505) Bill "An Act To Adopt the Revised Uniform Anatomical Gift Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-527)** (Representative LORING of the Penobscot Nation - of the House - opposed)

(S.P. 784) (L.D. 1990) Resolve, To Prevent Domestic Violence and Protect Our Citizens Committee on **CRIMINAL**

JUSTICE AND PUBLIC SAFETY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-525)**

(H.P. 1383) (L.D. 1947) Bill "An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-894)**

(H.P. 1559) (L.D. 2189) Bill "An Act To Protect Homeowners from Equity Stripping during Foreclosure" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-892)**

(H.P. 1632) (L.D. 2269) Bill "An Act To Strengthen Maine's Consumer Protections against 'Slamming'" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-893)**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 796) (L.D. 2002) Bill "An Act To Protect Electricity Consumers of Northern Maine" (C. "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" (C. "A" H-874)

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Restore Diadromous Fish in the St. Croix River" (EMERGENCY)

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

(C. "A" S-505)

House as Amended

Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties"

(H.P. 218) (L.D. 262)

(C. "B" H-853)

Bill "An Act To Prohibit Hospitals from Charging for Treatment To Correct Medical Mistakes"

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

(C. "A" H-873)

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

Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

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

(H. "A" H-845 to C. "B" H-788)

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

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

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

Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

(H.P. 1159) (L.D. 1650)
(H. "A" H-887 to C. "A" H-851)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 305

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Carey, Casavant, Clark, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Moore, Norton, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Simpson, Sirois, Smith N, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Wheeler, Mr. Speaker.

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

ABSENT - Canavan, Connor, Dunn, Fischer, Hamper, Hogan, Muse, Pendleton, Walker, Weddell.

Yes, 71; No, 70; Absent, 10; Excused, 0.

71 having voted in the affirmative and 70 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-851) as Amended by House Amendment "A" (H-887)** thereto and sent for concurrence.

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)
(C. "B" H-869)

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

On motion of Representative EDGECOMB of Caribou, was **SET ASIDE**.

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

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

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill does not pertain to school in my district, but I would like to provide some information that I think might be helpful to you. This is the bill that requires a penalty to schools that choose not to consolidate, and the state Board of Education did come up with some recommendations because the schools, by the law that we passed, must be penalized.

I will use potatoes to help explain this to you: Each fall, I glean potatoes from the fields in Aroostook County for my winter supply. After I wash these potatoes, I may cull out potatoes that have Powdery Scab, or Common Scab, or Rhizoctonia, Fusarium Wilt, Late Blights, sunburn, second growths, rodent injury, growth cracks, Net Necrosis, or anything else that I can find to put them in a cull pile. Then, I hope to have about 175 pounds of potatoes. Now would it make sense for me to look at some potatoes that may be just slightly defective, and take those that I put in the cull pile and replace them and swap them? This is what will happen with penalizing schools that qualify for construction. The state rates all the schools for construction and those with the highest number of points will receive funds for school construction, and they will go down the list until they run out of approximately \$120 million that we use for construction each year. So at the end of the lists, those schools that make it, that's great.

Now, if your school receives, the Minority Report requires that you receive 10 points as a penalty, be deducted from your total points, unless you can score and rate near the top of that list and also you did not consolidate. If you are up there, by losing those 10 points, some school that did not make the list—by the way about 75 schools apply each year, and again, approximately 15, 17 get qualified for construction—so should we take a school that would like to have school construction but may not have the needs that those who qualified in the list. For example, they do rate based on health concerns, safety, the structural position of the building and other criteria, they even visit these schools. It does make sense to me to take some school that does not qualify highly and replace it, and use our state dollars to construct schools that may get by for another few years, and someone that really needs a new school and they be taken off the list. We have schools, a superintendent testified that students have to go through two other classrooms any time they have a fire drill, and it becomes a real safety issue. Those students must pass through two different classrooms to get to the hall, to exit that school. So I ask you to think about this: Should we be spending our money on the most needy schools in our state, or should we use this penalty?

Now the Minority Report penalizes 10 points; the Majority Report penalizes the school 5 points. I asked the state Board of Education what the lowest number of points that you consider, and it was their answer of 5, they consider a penalty of 5, knowing that even with 5 points and you score and end up somewhere in the middle of that group, you could still be bumped out of that list and moved out, and personally I do not think there should be any points taken off on these schools, let alone 5, because you are still qualifying some schools for construction and yet some of the neediest may be bumped out of that top list. Remember, again, I am not doing this because I have a school that may not consolidate and that they are considering school construction, because they are not. So think about how we

should be spending our state dollars; therefore, if we vote against the Minority Report, we can have the Majority Report which is a 5 point deduction. Thank you.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-869)** and later today assigned. (Roll Call Ordered)

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)
(H. "A" H-888 to C. "B" H-872)

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

On motion of Representative MAZUREK of Rockland, was **SET ASIDE**.

The same Representative moved that the House **RECONSIDER** its action whereby **Committee Amendment "B" (H-872) as Amended by House Amendment "A" (H-888)** thereto was **ADOPTED**.

On motion of Representative THOMAS of Ripley, **TABLED** pending the motion of Representative MAZUREK of Rockland to **RECONSIDER ADOPTION of Committee Amendment "B" (H-872) as Amended by House Amendment "A" (H-888)** thereto and later today assigned.

ENACTORS

Emergency Measure

An Act To Amend the Potato Cull Pile Law

(H.P. 1392) (L.D. 1954)
(C. "A" H-813)

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. 137 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 Improve the Campaign Finance Laws and Their Administration

(H.P. 1454) (L.D. 2070)
(C. "A" H-824)

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. 137 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 Preserve Successful Historic Neighborhood Schools

(H.P. 1468) (L.D. 2082)
(C. "A" H-816)

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. 141 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

Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

(H.P. 1602) (L.D. 2241)
(C. "A" H-762)

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

On motion of Representative WATSON of Bath, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-762)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-849) to Committee Amendment "A" (H-762)** which was **READ** by the Clerk.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will recall that a couple of years ago—due to the hard work and encouragement of then Senator Chandler Woodcock, members of the Inland Fisheries and Wildlife Committee, and other interested parties—we passed a law declaring the native brook trout as a Heritage fish. We also placed a number of waters on a protected list, waters that contained viable populations of those important, Heritage fish. Those waters were to be protected from further stocking of species that may interfere with the brook trout, and certain restrictions on the use of bait and tackle on those waters.

Last year, this Legislature added another fish to the Heritage Fish Waters: the blueback trout or better known as the Arctic Charr. You will recall that the Arctic Charr is a scrappy little trout, and Maine is the proud home to the only existing populations of that fish in the continental United States, and one of the few homes of that fish in North America and, in fact, the world. The waters that were occupied by the blueback trout were also added the Heritage Fish Waters and afforded the same kind of protections for this fish.

This Resolve came from Inland, Fisheries and Wildlife, it was presented to the 2241, the one we are addressing here, it was presented to the Inland, Fisheries and Wildlife Committee with very little testimony, the department did not testify at all, the testimony was presented by the House Chair, a respected member from Allagash, and it sought to remove three blueback trout waters from the protected list. The argument was that the department had discovered that some stocking had in fact taken place within waters connected to these protected waters; therefore, there may be stocked fish in the area, so further stocking in the area should be something the department should be allowed to do. I guess I do not have any problem with that, although what it means is that by taking those three waters off, we are now down from a total of 10 waters in the entire state, and again, most of the country, where bluebacks exist, we are now down to seven. However, the reason I am standing here and

taking your time today is that 2241 went a step further. It not only allows stocking of this blueback waters but it removes the S4 designation from the waters, the second protection provided to our native waters, and that is the use of live fish as bait.

Now we provide this protection to the protected waters for native bluebacks, as well as brook trout, for a couple of reasons. The first reason is live fish as bait become live fish, and when they are released into that body of water, they are a species that may not have come from that town, that pond; they may, in fact, be an environmental threat, ecological threat to the native fish in the waters there, so we simply do not allow live fish to be used as bait for that reason, because they may escape and at the end of the day they may just be dumped from a bait bucket into the water. The second reason we protect these fish from anglers using live fish as bait, is a very important one, and those of you who do not fish, please listen to me and understand what happens: When a trout or a game fish takes on live bait—minnows, worms, anything like that—it typically does it with an engorgement. It will swallow that minnow; it will swallow that worm rather than snapping at it or chasing it away as they might with an artificial lure. When they swallow that bait, they swallow the hook. The accepted practice for anglers who would like to release that fish alive, is to simply snip off the leader from the hook and allow the fish back in the water, hoping that its stomach acids and the water and time will eventually erode that hook, and the fish may be able to live. Any angler will tell that when a fish engorges live bait, you cannot pull the hook out; you have to snap it free. If you do that, the chances of that fish surviving are practically nil. On a pound for pound basis, picture yourself swallowing a wire coat hanger and then hoping that your stomach acid will eventually dissolve that. That is just about what it is for an 8 or 9-inch blueback trout, who has a hook in its gut, that is about the same chances it has for survival.

LD 2241, the Resolve, did not need to remove the S4 designation from those waters. We can accommodate stocking programs around native populations of fish, but there is no reason in the world other than someone wanting to fish with live bait on those waters, to remove that designation. The House Amendment I am proposing to you will allow IFW to do what it wants to with regard to rulemaking and public hearings on protected waters and that sort of stuff, but it takes those three important ponds, those three ponds that now hold native populations of a fish that if a public outcry becomes involved with this, the blueback trout may well become Maine's Spotted Owl, but it takes the one protection off of those fish that is the most important, that is no live fish. We cannot dump foreign minnows into those ponds; we cannot use live fish as bait to catch the trout in those ponds. We can, with the S4 designation, continue to use other live bait. We can still use worms, we can still use crickets, still use other things that catch these fish; we simply cannot use live fish as bait. That is what my amendment is doing for these three waters.

It is very important that we go back to the department and tell them that we want to see management for the resource, rather than resource for the consumer. Now I have spoken to the distinguished Representative from Otis and the distinguished Representative from Rainbow, who have these ponds in their waters, and I have asked them did your constituents approach you and say we want to go fish these waters with live fish for bait? The answer is no. There was not any big constituent outcry to do this. We do not know why the department brought this forward and wants to drop this designation. But it is obviously at the request of someone, and it is obviously the wrong way to go. I encourage you please to adopt my House Amendment, H-849, and if IFW needs this resolved they can do

so but absent those three important ponds, containing those three important, native populations of a fish that only exists in our state. Thank you, Mr. Speaker, and Mr. Speaker, when the vote is taken, I request a roll call.

Representative WATSON of Bath **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-849) to Committee Amendment "A" (H-762)**.

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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I find it odd that Representative Watson spoke to a couple of different Representatives that had lakes, one of these lakes in their district, and never asked me about it. One of the lakes is in my district also, and I think that not having been at the public hearing, he might be a little bit confused about what actually happened here. Representative Watson was the Committee Chair when we passed the native brook trout waters, and it was his bill that did the Arctic Charr last year, but these three waters the department found out they were stocking areas that stock fish did have the possibility of getting into these three lakes. The one up in my area, there actually was a mistake numerous years ago, and salmon was stocked into these waters, and we all knew it at the time whenever we passed the thing. But the thing about these waters is, if you think native brook trout is going to bring fishermen from all around the world into Maine then you cannot mess with the integrity of the waters. If there are fish that have been introduced into these three lakes by accident, and you know that, then you cannot keep them on the list. I mean the list is supposed to be dedicated towards lakes that have been unspoiled by any stocking program, accidental or purposely, and these three lakes, we know for a fact, have gotten fish that were not native to it introduced in it.

Now the argument that we are going to remove the S4 designation and all that, the department plans to manage these waters exactly the same way that they did while they were on the list, but they feel that the integrity of the whole 300 lakes that are under this native brook trout water protection is going to be compromised, if these three, that everyone knows there is a problem with, are kept on there. If these three are, then how do you know that these ones weren't, and I understand that. I was not in favor of the entire native brook trout water designation, but now that we have it, we have to not compromise it, and that is exactly what we will be doing here if we go with this amendment. The committee heard the department, we asked SAM to come back later after the hearing and they testified, they were in support of Representative Watson's amendment, but we listened to all sides of the issue and the committee felt that, yes, if there is a chance that these waters have been derogated by illegal or department stocking, or whatever, then we cannot keep them on the list because it is going to ruin the integrity of it. This does not mean these lakes, you can go out, and dump minnows or anything like that, non native; there is already a law on the books that makes that illegal, and it is totally unneeded, so Mr. Speaker, I would move Indefinite Postponement of this amendment.

Representative JACKSON of Allagash moved that **House Amendment "A" (H-849) to Committee Amendment "A" (H-762) be INDEFINITELY POSTPONED**.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I recall, I think four years ago, visiting with Inland, Fisheries and Wildlife

Committee, when Senator Chandler Woodcock worked his bill creating the Heritage Waters for our native trout, and for the Arctic Charr, who inhabit similar waters with our native trout. I was touched by the near poetry that Senator Woodcock spoke, as he described the importance of these sort of family jewels, the state's family jewel waters, and how important it was to protect them. I respect the good Representative from Allagash, Representative Jackson, and I do not disagree with him that if 10 waters were once fully deserving of the fullest protections, and now we are down to seven, a 30 percent drop in four years, that is sad to me and I hope that does not happen anymore. They may not deserve to be treated as Heritage Waters, as defined, but simply because we have had some hatchery fish potentially get into those waters, I do not think there is a reason then to actually reduce the protections for Arctic Charr. You may take away the Heritage status, but give it another status in terms of management, not just essentially turn your back on them.

The Floods Pond, and I will finish my remarks, a couple of years ago we were dealing with a drinking water bill and the folks from Floods Pond who manage the drinking water supply there, spoke to us about the rigor that they go through, the conservation efforts they employ to maintain the most pristine water that does not need treatment, etcetera, at Floods Pond. I was really taken by how proud they were of those waters, and how well the community was managing them. Of course, they were dealing with drinking water, but they are also very proud that that pristine water was home to the Arctic Charr—to their Arctic Charr. So while these waters may not deserve to be on the Heritage list, they do not deserve to be fished with large bait. I support the amendment. Thank you, Mr. Speaker.

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. These waters are not going to be fished with live bait. As I have already said, the department is going to manage the waters the exact same way they would be if they were included on the list, but for the integrity of the list, for people's own honesty, you cannot have waters on the list that you know have been stocked, and certainly, Black Lake, in my district, we knew it was stocked all along; we knew that six years ago. So if you want to have these lists, fine, but let's make them real and make it so that the public knows that they are sincere whenever we have them. I do not know if I have to ask for a roll call, but I am still on that Indefinite Postponement deal.

Representative JACKSON of Allagash **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-849) to Committee Amendment "A" (H-762)**.

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 Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In all due respect to my Chair, who I love dearly as he knows, this is one we are on the different side of and, as many of you know, Chandler Woodcock is one of my dearest, personal friends and even that aside, as we look to the future of ecotourism and opportunities, we have over 90 percent of the native waters, in this country and in this world, for brook trout. This is an opportunity, and I just want to emphasize one point that my good friend Representative Koffman said: We are talking seven lakes—seven lakes. Thank you very much, Mr. Speaker.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also have a great deal of respect for the Chair of the IFW Committee, my good friend, Representative Jackson; however, when he states that these waters will continue to be managed as though they were Heritage, I wish I could believe that. The third page of the good Representative's testimony before the IFW Committee on LD 2241 included the Chapter 1, Open Water Fishing Regulations, and notes that the designation S4, which is the designation that prohibits live fish as bait, will be deleted from these three waters: those waters of Deboullie Lake, in Representative Jackson's backyard; Rainbow Lake, in Representative Johnson's jurisdiction; and Floods Pond, in Representative Crosthwaite's jurisdiction. If you drop the S4 designation, it means it is no longer illegal to fish for live fish as bait, and that is simply the way it goes.

I also want to clear up one other question I have had. When I discovered this, it had passed by on a day that I was absent, and went to try to draft this amendment; I saw it and received SAM's assistance in drafting the amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-849) to Committee Amendment "A" (H-762). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 306

YEA - Ayotte, Barstow, Blanchard, Bliss, Briggs, Browne W, Bryant, Cain, Campbell, Ceбра, Clark, Cleary, Connor, Crockett, Faircloth, Farrington, Finch, Fletcher, Gifford, Greeley, Hayes, Hogan, Jackson, Jacobsen, Lundeen, Marley, Mazurek, McFadden, McLeod, Millett, Patrick, Pieh, Pingree, Richardson D, Robinson, Sarty, Silsby, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Tuttle, Valentino, Wheeler, Mr. Speaker.

NAY - Adams, Annis, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Boland, Brautigam, Burns, Canavan, Carey, Carter, Casavant, Chase, Conover, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Finley, Fisher, Fitts, Flood, Gerzofsky, Giles, Gould, Grose, Hanley S, Harlow, Hill, Hinck, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Makas, Marean, McDonough, McKane, Miller, Mills, Miramant, Moore, Nass, Norton, Peoples, Percy, Perry, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Simpson, Sirois, Smith N, Sutherland, Thomas, Treat, Trinarward, Vaughan, Wagner, Watson, Weaver, Webster, Woodbury.

ABSENT - Dunn, Fischer, Hamper, Haskell, Muse, Pendleton, Pineau, Walker, Weddell.

Yes, 47; No, 95; Absent, 9; Excused, 0.

47 having voted in the affirmative and 95 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONED House Amendment "A" (H-849) to Committee Amendment "A" (H-762) FAILED**.

The SPEAKER: A roll call having previously been ordered. The pending question before the House is Adoption of House Amendment "A" (H-849) to Committee Amendment "A" (H-762). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 307

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Casavant, Chase, Connor, Conover, Cotta, Craven, Cray,

Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finley, Fisher, Fitts, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Makas, Mazurek, McKane, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Rines, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Woodbury, Mr. Speaker.

NAY - Ayotte, Blanchard, Briggs, Carter, Cebra, Clark, Cleary, Curtis, Finch, Fletcher, Gifford, Jackson, Jacobsen, Lundeen, Marean, McDonough, McFadden, McLeod, Richardson D, Richardson W, Robinson, Sarty, Savage, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tuttle, Wheeler.

ABSENT - Dunn, Fischer, Hamper, Haskell, Marley, Muse, Pendleton, Pineau, Walker, Weddell.

Yes, 111; No, 30; Absent, 10; Excused, 0.

111 having voted in the affirmative and 30 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-849) to Committee Amendment "A" (H-762)** was **ADOPTED**.

Committee Amendment "A" (H-762) as Amended by House Amendment "A" (H-849) thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-762) as Amended by House Amendment "A" (H-849)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Emergency Measure

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

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

(S. "A" S-492)

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

On motion of Representative JACKSON of Allagash, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Mandate

An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution

(H.P. 1535) (L.D. 2160)

(C. "A" H-822)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Ensure Integrity in Financing Publicly Funded Campaigns

(H.P. 1399) (L.D. 2015)

(C. "A" H-793)

An Act Regarding Education Laws

(H.P. 1446) (L.D. 2062)

(S. "A" S-496 to C. "A" H-780; H. "A" H-801)

An Act To Protect Parties to Real Estate Transactions

(H.P. 1520) (L.D. 2140)

(C. "A" H-812)

An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings

(S.P. 853) (L.D. 2215)

(C. "A" S-490)

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

Resolves

Resolve, Regarding Enhancement of Maine's Cultural Assets

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

(C. "A" S-478)

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 Fully Fund School Breakfast from Kindergarten to Grade 12

(S.P. 791) (L.D. 1997)

(C. "A" S-491)

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. 308

YEA - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lewin, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Beaudette, Browne W, Cotta, Crosthwaite, Curtis, Gifford, Hayes, Jacobsen, Johnson, Joy, Lansley, Lundeen, McKane, McLeod, Plummer, Richardson W, Thomas, Vaughan.

ABSENT - Berube, Dill, Dunn, Fischer, Gerzofsky, Grose, Hamper, Hanley S, Muse, Pendleton, Pineau, Walker, Watson, Weddell.

Yes, 118; No, 19; Absent, 14; Excused, 0.

118 having voted in the affirmative and 19 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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. 309

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Harlow, 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, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, 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, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Bliss, Dill, Dunn, Fischer, Fisher, Gerzofsky, Hamper, Haskell, Muse, Pendleton, Pineau, Sykes, Walker, Weddell.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 818) (L.D. 2144)
(C. "A" S-487)

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

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Item 10-14 was a bill

we had the other day with a close vote, 71-69; it adds two positions to LURC. The Committee itself did not have a problem with an additional bill, but we have the major heartburn with the amendment. I hope when you vote today, you will vote no, and I request a roll call.

Representative CLARK of Millinocket **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. 310

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

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Blanchard, Blanchette, Browne W, Campbell, Cebra, Clark, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Jackson, Jacobsen, Johnson, Joy, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver.

ABSENT - Dill, Dunn, Emery, Fischer, Hamper, Muse, Pendleton, Percy, Pineau, Walker, Weddell, Woodbury.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education

(H.P. 1549) (L.D. 2175)
(C. "A" H-825)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

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

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-488)** - Minority (5)

Ought to Pass as Amended by Committee Amendment "B" (S-489) - Committee on **NATURAL RESOURCES** on Bill "An Act To Raise the Per Diem Rate for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission"

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

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)**.

TABLED - March 28, 2008 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative KOFFMAN of Bar Harbor moved that the House **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. 311

YEA - Babbidge, Berry, Bliss, Brautigam, Briggs, Burns, Cain, Carey, Carter, Casavant, Conover, Craven, Crockett, Duchesne, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Harlow, Hinck, Jones, Kaenrath, Koffman, MacDonald, Marley, McDonough, Miller, Mills, Miramant, Norton, Perry, Pieh, Pingree, Pratt, Priest, Treat, Valentino, Watson, Webster, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berube, Blanchard, Blanchette, Boland, Browne W, Bryant, Campbell, Canavan, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duprey, Eaton, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Haskell, Hayes, Hill, Hogan, Jackson, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, Mazurek, McFadden, McKane, McLeod, Millett, Moore, Nass, Patrick, Peoples, Percy, Pilon, Pinkham, Piotti, Plummer, Prescott, 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, Trinward, Tuttle, Vaughan, Wagner, Weaver, Wheeler, Woodbury.

ABSENT - Dill, Dunn, Emery, Fischer, Hamper, Makas, Muse, Pendleton, Pineau, Walker, Weddell.

Yes, 41; No, 99; Absent, 11; Excused, 0.

41 having voted in the affirmative and 99 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative KOFFMAN of Bar Harbor, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-489)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 3, 2008.

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

BILLS HELD

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

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

- In House, **FAILED OF PASSAGE TO BE ENACTED.**

HELD at the Request of Representative CAIN of Orono.

Representative ADAMS of Portland moved that, the House **RECONSIDER** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

Representative NORTON of Bangor **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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 Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have not said much about 1932 and, as most of you know, I was pretty active in the participation of the development of the bill last year, the perfect bill that needed no changes. I think most of you may have watched my light, because my light was probably a little bit different than you anticipated. Today, I intend to change that.

I just want to point out a few things to you that I think you should take in to consideration. Last year, first we started with 20 in the Rural Caucus, then we grew to 30, then we grew to 55, all of us having a piece and a principle that we wanted to move forward with fixing the consolidation. I do not think that anybody in the room that we were there together did not think that we needed to do something. Every one of us agreed that we need to do better. We came out with something better, and I still wait for the thank you because we moved the date. If it had not been for us standing up for what we believed in, the vote would have been taken in January—think where we would be today if that had happened.

We also came up with some other principles that were well worked into the bill, thanks to the Speaker and those other people in the Appropriations Committee. But now, I have watched this bill tear apart a community. I have watched them tell me that it really only saves \$15,000 for two districts to come together and \$50 the next year, and those themselves will be eaten up very quickly by fuel costs.

We need consolidation; we do need to cut administration. All of us heard last year that we needed this bill in order to take the \$35 million. But this year, we took another \$34 million but we did not have the bill, so we did not really need it last year to take it. We should have taken it and that would have driven the consolidation that was already taking place. I believe 1932 is a good step to get us where people have alternatives. For those of us who represent rural areas, we must not forget the schools are the heart of our district. They are what we tick around, that is what we survive around. I would ask you to support 1932 because I believe it provides a viable alternative. Thank you very much, Mr. Speaker.

The Chair reminded Representative SAVIELLO of Wilton to confine his debate to the question before the House.

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

ROLL CALL NO. 312

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Burns, Campbell, Canavan, Carter, Casavant,

Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Greeley, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McFadden, McKane, Miller, Mills, Miramant, Nass, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaudette, Beaulieu, Blanchette, Cain, Carey, Driscoll, Fisher, Flood, Grose, Joy, McDonough, McLeod, Millett, Moore, Norton, Priest, Samson, Strang Burgess, Thomas, Watson.

ABSENT - Bryant, Dunn, Fischer, Hamper, Makas, Muse, Pendleton, Pineau, Walker, Weddell.

Yes, 121; No, 20; Absent, 10; Excused, 0.

121 having voted in the affirmative and 20 voted in the negative, with 10 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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**: The Chair recognizes the Representative from Millinocket, Representative Clark.

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

The **SPEAKER**: The Representative may pose his question.

Representative **CLARK**: Thank you very, Mr. Speaker. To anybody who would like to respond to the question, if LD 1932 does not pass, what do we have in front of us now?

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you, Mr. Speaker. I believe the good Representative means around the issue of consolidation. We still have the two committee bills coming before the House, those bills do have what people are referring to as fixes.

The **SPEAKER**: The Chair would interrupt the Representative. It is not appropriate to be talking about other bills other than 1932 at this time.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you very much, Mr. Speaker. I think my question is if we do not pass 1932, we have what we have in place today, and what we have in place today to a lot of us is non-acceptable. This bill does help us a little bit; it gets us on track to take care of some of the problems we had when we left last session, that was the bone of my contention.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think this bill at least gives us some flexibility. We can adjust, we can have this option or we can go with what is before us. And I am not as eloquent as the Representative from Wilton is, so I would just like to second what he said out of order.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to try to answer the two previous Representative's question, the issues that are found in 1932 have been put in various places in the different legislative pieces. If this bill was to fail, we could certainly, I believe, look for other opportunities to pull the most important pieces of this report, which I believe is the original Majority Report from the Education Committee and not in the additional amendment, which is why I will be voting against Enactment as I previously discussed on this issue. But there will be continued opportunity and I would just like to reaffirm the commitment, I think for all of us, that we do recognize there are many things that are needed and we would all look for any opportunity to fix that.

The **SPEAKER**: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1932 has been out there for almost four months. The Committee has worked hard to put this together, we even came and spent the week before Christmas in Augusta and some of you can relate to what personal time that impinged on; however, it meets the needs of a number of communities around the state.

I happen to come from a rural county; some of you are from all kinds of situations. We were told we have problems with how are we going to do the cost sharing, how are we going to address this, how are we going to address that. We tried to put that in 1932, and I think it is our responsibility to those people back home, who in all good faith and effort have spent many, many hours trying to come together with a plan but ran up against some roadblocks. I encourage you to give them the tools that they have been asking for and those modifications which work in that part of the state. We are not a cookie cutter state; we know that, so I encourage you to support this. It is critical that the Emergency Preamble allows them to have those tools right away. They have been waiting, and I think we owe it to our constituents and the citizens of the state to give them what they need to move forward with. Thank you very much.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I really do believe that LD 1932, with the outstanding amendments placed on it by this great body, will be somewhat helpful at repairing a very bad bill. I have been hearing that there might be some other opportunities later on to do some other things, and I anxiously await one of those opportunities. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill and its amendments are necessary for rural districts that are getting together. It is about administrative consolidation. I have a district that is looking at 20 towns as a part of its district. The simple act of negotiating this stuff is going to be absolutely impossible. But the way the amendment is for the union, it brings more of that administrative work to the central superintendent's office that would cover those 20 units, and give the district time to do the coordination and consolidation that needs to happen. This is administrative consolidation, not school consolidation, and that decision still belongs with the union board. 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. As you know, last time when we dealt with this, I voted red because I felt that 1932 did not go far enough. As others have said, it does provide some shelter and some comfort that was not in the original act, so I will support it this time, but as my colleague, the good Representative from Sullivan, Representative Eaton, has said, hopefully there will be a future and an opportunity to do something even brighter. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to confirm that the good Representative said this does not shut down any schools. In the bill itself, it says you cannot shut down a school and to shut down a school within your district, it will take a supermajority. This is just a reorganization of administration, so do not worry about you schools being shut down unless your community wants to do it.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. No one in this body here would doubt that I am an opponent of the current consolidation law. That being said, I will support 1932 because it is an improvement over what the current law does. I agree with the Representatives from Blue Hill and Sullivan that it does not go far enough and, if God is willing, we will be back here next year to change it some more. I would hope that if I live long enough, that one day the state will understand that when you are making changes of this nature that affect the very essence of our communities, that you do it with incentives rather than penalties. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

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

The SPEAKER: The Representative may pose her question.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I beg your indulgence, but would someone please explain which and how many of the 22 amendments listed on the legislative website have been adopted by the Committee of Conference, and what exactly it is, what version of 1932 are we voting on, and what are the exact fiscal consequences? The Fiscal Note is about a page and a half long, and I am not clear what the fiscal impact is, if we allow this bill to pass in its present form.

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to just answer the good Representative from Farmington's question as a member of the Conference Committee. It came back from the Senate, we were in Non-concurrence. Representative MacDonald's amendment is on this bill, formally known as the Damon Amendment; Representative Carter's amendment is on this bill, in an amended form that the Commissioner was more comfortable with about the number of people per square mile, allowing the Commissioner an exemption; Representative Pratt's amendment, formerly Senator Raye's amendment, is on this bill. The final decision of the Conference Committee was to remove the delay for the budget validation because we did not believe we

could get two-thirds with that in here, so it would not go into effect this year anyways. Those were the changes made to the bill.

Again, as has been debated and debated about the Fiscal Note, and we have some honest disagreements on this subject, the Fiscal Note is inconclusive. There is not fiscal impact in this biennium. There has been a lot of discussion about future fiscal impacts and, again, this is a real subject for debate. I am of the opinion that if we do not move forward allowing flexibility in this law, you are going to have many districts in rural areas opting out, which will mean there will be no savings in the future. Obviously, there is a disagreement. We have seen that in these votes there is sort of an urban-rural split, but coming from a district that has had huge challenges with this, I can very honestly tell you that flexibility is needed within this law in order for consolidation at the administrative level to move forward. So I believe, in order to have future cost savings, we need to move this forward, and I am hopeful that we will today. Thank you, Mr. Speaker.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am also on the Education Committee and, as the good Representative from Chapman has already said, we have spent months and months and months coming up with this version of the bill. It is true, as everyone acknowledges, the bill is not perfect; the bill, including the amendments, is not perfect. But this is not a black and white issue. I believe that everybody is a little bit dissatisfied: either is goes too far, it does not go far enough; it does not have this, but it does have that and so on or so forth. I strongly believe that since many of the districts are in the process of attempting to consolidate now, we need to support this legislation, even though it may not be perfect from whatever your definition of perfect is, we need to move forward with this. There will be other opportunities to continue to make changes in the law, but right now, in fairness to those districts that are moving on ahead, we need to pass 1932 as it is, so I encourage you to support this motion.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the good Representative from Farmington did ask some questions and, again, I also do understand I cannot talk about other bills; however, the bill 1932, as most people have said, was passed out of the Committee with a lot of good things. Probably the one thing we could agree on, most of us at least, is that what came out of the Committee was good for everybody.

Again, unfortunately, what has been done to the bill since it came out of the Committee goes too far, in fact, some would argue so far that it would take away even the good things; therefore, I think it behooves us to let people know that there are other ways to fix some of those good things. So those of you who are being urged to vote for the good things need to understand, in its present form, the bad things outweigh the good things.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Three things have come from the debate this morning: One is the need for flexibility; one for tools that can allow an approach in the rural part of the state; and the other is a new idea, presented by the Representative from Greenville, of incentives rather than penalties. I tend to agree with all three of those things, and as a

cosponsor of LD 1932, I wanted desperately to give the flexibility to make the imperfections of the budget bill from last year more workable. That bill was heard in December and, as we have heard, four months later we have nothing on record.

When the Committee of Conference took this bill over, it remade it into an entirely different approach. It no longer attempted to give those quick and needed flexibility tools, but it actually puts back in place a method of organization called school unions, that duplicates employer functions, thereby duplicating collective bargaining, providing costly duplicates of many back office functions and, therefore, in my opinion, it took away some of the tools of cost savings and administrative efficiency.

In the end, I think the Representative from Greenville has a point, and my purpose in commenting today is to say that if I were to be involved again, I would, I think, take an incentive rather than a penalty approach to this very important undertaking that we have before us. If you look down the road, there is no way we can continue to support, with the same level of resources, those school systems that have declining enrollments and high cost administration, and a future which is tenuous at best. We have talked a lot about many of those types of school systems; we looked down the road to our tax revenue estimates, and the enrollment decline that will approach a 25 percent decline in a 25 year period by the end of this decade, and there is no way we can look away from those trends which are ominous. I would prefer that we had a more comprehensive approach to this problem. I think the bill before us today is, in effect, a one-step short of repeal effort that, I think, has no real long-term benefits in support of it. I know I am not supposed to speak the position of the Chief Executive and I won't, but I think that this is not the best bill before us and that we ought to think seriously about trying to enact this as an emergency bill, given that four months has elapsed since the emergency was first identified.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not debate the merits of the bill, but I would ask us to just remember the old adage: the wheels are off the wagon. We are not going anywhere with the law that we enacted last year. There is another old adage: if it ain't broke, don't fix it. It is broke, it is not working. Our credibility is on the line. We passed a law, with all good intentions, but it is not working. LD 1932 isn't perfect, but it might put a couple of wheels back on the wagon and get us moving forward so we can achieve the objective. Now, I know all of us, some of us voted for the budget with the consolidation law in it; I was one of those. I accepted what I heard that the law was ready and we could do it.

My final adage: A wise woman once told me, the difference between a mistake and learning experience, is when you refuse to learn. I learned that I am ready to vote for LD 1932 because it is going to move us in the right direction, and I am sure Legislatures to come will still be trying to get the other wheels back on the wagon, but we have to move forward and thank you for your consideration.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to echo the sentiments of the good Representatives, Representative Fletcher and Majority Leader, Representative Pingree, on this topic and remind folks that this bill provides the amendment that is on the bill that came from Senator Damon and from me and we put on this bill, just provides an option for local planning committees to adopt the union form of organization if they so

desire. It does mandate that, and I think it puts trust in the hands of the local people to make the best decision in the light of the law that we passed. This law is not about repealing that law, that is a discussion for another day, but assuming that we continue school consolidation, which I think in some form we have to in order to make administrative savings, this puts the best light on it, it gives local people a chance to make a decision about which form of organization they want to take. I urge you to support it, and I hope that you will go green on it at this time. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise again, briefly, because I take very seriously, as I have for the past year and a half now, the concerns of rural Maine, of less rural Maine, of small-town Maine, small school of Maine, I take those very seriously, those concerns, the concerns about sustainability, the concerns about quality of education.

As a former member of the Education Committee, I have spent hours of my life that I am glad I spent, talking about the challenges to small schools, the challenges to small town Maine and, an adage comes to my mind as well: it is an adage about dancing around the edges and not really dealing with the problem at hand. The biggest threat to small schools is not consolidation, is not school funding formula, it is not, not having enough money. The biggest threat to small schools in Maine is not having enough kids, and I take that very seriously, as a town that has had severe decline in student population. In the small Town of Orono, which is full of kids, well, I call them young adults, at the University of Maine, but they do not go to Orono High School. I take it very seriously as someone who comes from the part of the state where the decline in student population is a real challenge that we are all facing, we are facing it together. The best way, in my mind, to deal with that challenge head on, again, is not to throw more money at it; it is to protect those small town community schools, those elementary schools where who is going to move to a town without an elementary school? I'm not going to. I want to keep those schools vibrant; I want to keep them strong and I want to do that by spending money in the right place.

When we look at the current trends and where money has gone in the past 25 years, and as we see the student population decline and our administrative and non-instructional costs rise, it causes me to lose sleep at night, Mr. Speaker; it causes me to have such great concern about the future of our schools in Maine, the same schools that I hope to raise my own children in someday when I have them. That is why, I think, you find so much passion around this issue, because it is a bigger problem than just schools, it is a bigger problem than just the funding formula, and that is why I personally am not going to vote for Enactment today, because I think this sets us back and limits what we are able to do going forward as we approach this is a comprehensive way. That is why I think we need to continue to invest in economic development, to bring people to Maine, to bring jobs to Maine, and opportunity to Maine to bring young people to Maine who will have more kids. That is why we need to keep Maine a great place to live in and a vibrant way to live, and the best way to do that is by supporting our schools and that is why, in good conscience, I cannot vote for Enactment of this bill today, and I urge you all to do that same, thinking about the big picture and the local picture, the big challenges and the little challenges in the small towns.

I have learned more in this debate in the last several months than in the past year and a half than I could ever have possibly imagined. I have more and greater respect and

understanding for rural Maine than I ever thought I could have, and I am so thankful for that, and that is why I am so very proud to tell you all today that 1932 is before us, but whatever else comes before us, I know that we are going to work together because this problem is a common problem. The problems that rural Maine are facing are going to affect less rural Maine the same ways, because we do have an obligation to think about: the statewide quality; the statewide equity and access to quality; sustainable, interesting, exciting, passionate K-12 education. That is why I love Maine, that is why I love this Legislature, and that is why I cannot support this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Orono is one of my very best friends in this Legislature, and I love to passionately disagree with her. I want to say that I think her comments are made completely in good faith and I do not disagree with her, we all know we are losing kids in rural Maine. But for every one of you from small towns, I represent 10 of those small towns, you know if you lose your small elementary school, your town is going to be in serious trouble and I think that that is the concern that all of us have. I just want to bring us back to the reality of what we are voting on here today. I think the core of it is the MacDonald Amendment, formerly the Damon Amendment, that is the major departure from the original Education Committee Report. What does that Report require? It says that you have to have administrative consolidation; you have to have Special Ed administrative consolidation, transportation consolidation, curriculum consolidation, but that you are allowed to keep your local school board and control your local budget. I think for a lot of small towns in Maine, at this point where they feel like absolutely bombarded and concerned about consolidations, holding on to that small amount of local control is what, I think, is going to allow consolidation to move forward, it is going to allow them to have faith that their small elementary school will remain open. So, while I completely agree with the good Representative from Orono about the challenges in front of us, I think this is what allows us to make the incremental step forward. I think once these districts start working together and realizing they can have a regional school board and deal with those issues together, we are going to see further consolidation down the road where people can figure out ways to work together. But I think allowing this flexibility in the law is really the only way, at least from my vantage point, the constituents I represent, is the only way this is going to successively going to move forward. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

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

The SPEAKER: The Representative may pose her question.

Representative **MILLS**: Thank you, Mr. Speaker. Two questions: One is I understood the vote would still be held this spring, but now I am reading the bill and it looks like the referendum vote on consolidation is put off until January 15 of next year.

Secondly, on the Fiscal Note, I am concerned because there is a Fiscal Note, but it says it cannot be determined because it depends on how many of the smaller units are formed, small school units, and what efficiencies they may be able to achieve. So on behalf of the many districts that are consolidating at this time and those that are larger and already achieving efficiencies, it would be important for me to know how many of the union

districts are intended, how many intend to be formed by this bill, someone must know, and what specific efficiencies they hope to achieve or are intending to achieve in retaining the union form of school administration? I would really appreciate having that information, too; I understand the fiscal consequences.

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you, Mr. Speaker. I can make an attempt at one or two of the questions, at very least.

We currently have somewhere in the vicinity of 120 to 121 school unions in this state. If they were all located, positioned in the state so that they could form super unions—in other words, bringing several of those unions together—if that were so, with the number of student requirement and if they decided on their own to meet that, we could possibly reduce the number of unions to somewhere around 30 in this state. So we could go from 121 to 30; however, we know that school unions are not situated in this state that way. What happens is you have school unions situated all over the state; some of them can come together as super unions but many, many of them cannot. Those that remain will find themselves trying to come together with many districts that already have come together and you may have, for example, two SADS, two groups that have formally been SADS, coming together with one or two school unions. Those school unions continue to operate more as a bottom up: they can still say exactly what they want to do; they still make all of their governance decisions; they hire, they fire; they decide items of the budget, items of the curriculum and all of those things.

Now coming together with SADS that are very much used to having an SAD board making those decisions means that we have two different kinds of governances that we are trying to put together. Some have to play the game because they are at least SADS and hopefully would continue to be; however, if I were a member of that SAD and I came together with groups that then had the ability for each town, or each small union to make those decisions, I guess, probably, I would want to look at my town having the ability to make those same decisions. I do not know if I would want to say, "I will go with this group, but they can have whatever they want" and that is the position that we seem to end up in when we are discussing retaining school unions.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a couple of things that very quickly have to be said: First off, I clearly believe in consolidation. I think the sustainability and the fiscal issues are important, but it is becoming increasingly clear to me, especially listening to the rhetoric of both sides of the aisle, that people are having problems back home with consolidation. I think the point that I want to make is it is the model that is wrong, not the idea of consolidation. Consolidation works in many parts of the country, but for whatever reason the Department of Education choose a particular model—that is the flawed model—and what has been concerning me over the past week in terms of voting, I have no idea what the amendments have on impact on my communities, no idea at all. If I talk to one person, it is one thing; another person, it is something else. It goes back to the core issue: the model has to change; otherwise, it is one Band-Aid after one Band-Aid for one community or another, and I really do not know in the big picture what that gets us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank and echo the remarks from the good Representative from Winslow, Representative Fletcher, and add my support on this measure, my strong support, and an additional adage. I have been very concerned lately with us and this body being pennywise and pound-foolish. I believe last year, the attempts that we made around this issue was pennywise and pound-foolish. We have an opportunity to give tools to the folks who are giving much in terms of blood, sweat and tears back home, to make this work; the people that are in the schools, that are on the boards, that are giving this their due diligence.

You know, colleagues, you may be surprised to know that some out there believe that government has gotten a little arrogant, that we do not listen, that we do not learn, and I thank the good Representative from Winslow, Representative Fletcher, for reminding us that we have the opportunity to do the right things here. We are the people's house, we have the opportunity in a bipartisan way, with a resounding endorsement of this measure, to say we are comfortable in our own skin; we admit it, we are a humble body; we do not always get it right the first time; this is a significant change. I am happy to hear that I am not the only one, as a mother of a son who has his primary middle school, secondary school and post secondary school yet ahead of him, that is losing sleep. We have the ability here to make some change that gives tools back to our colleagues and friends and neighbors that are working so hard back in the local school systems to make this right, to give them the flexibility they need.

I strongly support this measure, and I hope and believe that we will be sending a strong message that we will look back and be very proud of this vote, at sending a message to folks back in our own communities that we can make things right, we can hear from them, we are the people' house and we listen to you and we are going to give you what you need to make this right, and we are going to be here to support you. I think we will look back at this in a bipartisan way and be very proud of the vote we are about to hold right now in support of our local communities. Thank you, Mr. Speaker.

At this point, the Speaker recognized the Representative from Bangor, Representative DUNN, and he was added to the quorum call of the First Special Session of the 123rd Legislature.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Chair Norton, from Bangor, did state that it could be a problem trying to put an SAD and a union together, but that is an option and a negotiation that is a choice that they can make. I am asking for the option and the choice to take three unions in my area and put them together, to do some real consolidation of administration that will save money, and we will be able to do it in a timely manner so that those savings can be achieved, and this bill allows us to do that. I would just ask that you pass this in the way it is, so that we do have that option. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say that the amendment introduced by the good Representative from Boothbay does absolutely nothing for my constituents, but having taught in a school union, I know it can work. I am concerned

about the number of school boards and individuals a superintendent may be asked to work with, but I know the model itself can work. Although it does not help Kennebunk, I will be voting for it because it is good for my colleagues.

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. 313

YEA - Annis, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Berry, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Curtis, Dill, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fletcher, Gifford, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Jackson, Johnson, Jones, Joy, Kaenrath, Lansley, Lundeen, MacDonald, Makas, Mazurek, McFadden, McKane, Miller, Mills, Miramant, Patrick, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Rector, Richardson D, Rines, Rosen, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Weaver, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Beaudette, Beaulieu, Berube, Blanchard, Blanchette, Cain, Carey, Casavant, Cebra, Craven, Crosthwaite, Driscoll, Dunn, Fischer, Fisher, Fitts, Flood, Gerzofsky, Gould, Hogan, Jacobsen, Knight, Lewin, Marean, Marley, McDonough, McLeod, Millett, Moore, Nass, Norton, Percy, Pinkham, Plummer, Prescott, Priest, Rand, Richardson W, Robinson, Samson, Sarty, Strang Burgess, Sykes, Watson, Webster.

ABSENT - Hamper, Hayes, Koffman, Muse, Pendleton, Pineau, Walker, Weddell.

Yes, 97; No, 46; Absent, 8; Excused, 0.

97 having voted in the affirmative and 46 voted in the negative, with 8 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**. Sent for concurrence.

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

SENATE PAPERS

Resolve, To Prohibit In-person Absentee Voting on November 3, 2008

(S.P. 914) (L.D. 2293)

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

Representative RINES of Wiscasset moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative RINES of Wiscasset to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers and later today assigned. (Roll Call Ordered)

ORDERS

On motion of Representative PERRY of Calais, the following Joint Order: (H.P. 1656)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall submit, to the House, a bill regarding flavored cigarettes and cigars to the Legislature.

READ.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a little explanation of why you are seeing this, because you saw a similar Order before this body yesterday which we indefinitely postponed. We thought we could do this in the corrections bill; however, this is substantive, much more substantive than would go in the corrections bill and, in order to get it back on board, we need a new Joint Order to do that. We have the bill that we are hearing today and it will come before you, and this allows us to do it.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence. **ORDERED SENT FORTHWITH.**

**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-890)** on Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Licensed Child Care Facilities (EMERGENCY)

(H.P. 1417) (L.D. 2033)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
JONES of Mount Vernon
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot
FINLEY of Skowhegan

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

Signed:

Representative:

CONNOR of Kennebunk

READ.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative DRISCOLL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have not only one but two high hurdles to overcome here today. One is the fact that Representative Saviello's bill or resolve, somebody who I

have great respect for, who was actually dubbed as "the smartest man in Maine" by conservative talk radio. The other is the fact that this has come out with such a huge Majority Report out of the Committee of Health and Human Services, whom I also have great respect for because of the work that they do.

This Resolve came about because of the unfortunately and untimely death of a toddler in Westbrook, almost a year ago, and I stand here today in memory of Andrew Thurston. He was three years old, almost four; he drowned in a daycare facility in Westbrook; he resided with his mother in Cumberland. I felt obligated, as representing Westbrook, that I should look into do we have any rules in respect to daycare facilities with swimming pools, and what I found was, essentially, dealt with the cleanliness of the pools. There was not really a whole lot of guidance or direction for daycares in the State of Maine with respect to the health and safety of the children that they are taking care of, so I put in a Resolve that was passed in this House. I believe the rules were accepted last summer, so they have not even been in place a year yet. Apparently, there was some outcry around the rules and the requirement that there be a lifeguard in any open body of water that daycare facilities would take their children to outside of the daycare facility. This Resolve would actually strike the requirement that a lifeguard be provided or be at the site where the daycare facility children will be going in an open body of water, and replace that lifeguard with somebody who is called a water safety attendant.

My concern around utilizing a water safety attendant in place of a lifeguard of open bodies of waters is one, the fact that the American Red Cross actually specifically defines a water safety attendant as somebody who is not supposed to, or is not trained or certified to be in that kind of a situation around open bodies of water. I spoke with the American Red Cross headquarters in Portland a couple of weeks ago; they reiterated that same fact which you can actually find this specific notation on a number of Red Cross websites. I wanted to ensure that this was something that was defined nationally and not just at a few regional Red Cross sites. There at least 24 states that I found. We are not out on a limb, Maine is not number one in this area. There are 24 other states that feel compelled to require a lifeguard in these types of situations, so I do not think that we are out there above and beyond what every other state is doing.

You know, there are a lot of working families in Maine nowadays, a lot of folks utilize daycare facilities nowadays. You know, we have expectations for our daycare providers. We feel they should be professional, they should provide our children with appropriate development and education training in the daycare facility, and we feel that they should be providing high quality health and safety for our children while they are within their daycare setting. We actually have daycares that are looking to organize in the state; there is something before us now. I think they recognize developmental training of our children, appropriate health and safety, and just to be able to come together to share thoughts that they may have as a group is important. I think that we need to look to standards of care and best practices when we are creating rules for these daycares to protect our children. Drowning is the second leading cause of unintentional injury in the United States, and although we are not going to prevent every drowning, I think we should do what we feel is appropriate to protect our kids who are in daycare facilities.

There was a technical report by the American Academy of Pediatrics, which was written in 2003 and is still current today, and the report addresses the prevention of drowning in infants, children and adolescents, and under supervision/lifeguards, they had a brief paragraph and the American Academy of Pediatrics says: Close supervision of young children around any water is

an essential, preventative strategy, but inevitably lapses make supervision alone insufficient. The presence of lifeguards increases the likelihood of a favorable outcome. Those choosing to swim in natural bodies of water, or other sites accessible to the public, should swim in designated swim areas with lifeguards present. I think that it a pretty profound statement and I think it tells us where the Academy of Pediatrics feels comfortable with, with this type of situation.

With regard to the water safety attendant, in speaking with the folks at the American Red Cross headquarters in Portland, water safety attendants have 5 to 10 percent of the training that a lifeguard currently has. They are of the opinion and it is their opinion that these folks, with water safety attendant training, are not to be in this kind of situation overseeing toddlers and young folks around open bodies of water. These are some of the reasons to my objection to the language and Representative Saviello's bill. I do appreciate the work that the Committee has provided around this.

I just wanted to state one more thing: As educators, as physicians, as nurses, there are numbers of occupations where we are required to have certification, licensing, what have you, and the general public accepts us for who we are and what our certifications or requirements are to fulfill that particular duty. I think this goes specifically to a water safety attendant versus a lifeguard. The water safety attendant specifically is not supposed to be overseeing young children in open bodies of water, whereas a lifeguard, that is their venue and that is why I feel a lifeguard should be provided in this kind of situation. With that, Mr. Speaker and Ladies and Gentlemen of the House, I thank you for your time and if I may ask for a roll call, Mr. Speaker.

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

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

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It seems to me that liability is an issue, not just the Department of Health and Human Services weighing in on this question. As the insurance industry weighed in on this as regards to the liability of daycare providers, unless I misunderstand this bill, taking children to lakes.

The **SPEAKER**: The Representative from Berwick, Representative Burns has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, to respond to the question, and then to really go through what the Committee went through in the decision-making is that daycares already bring their children to lakes. Maine is loaded with lakes. We have people living on lakes, people who have daycare on those lakes, people who utilize those lakes when they have their children there. This really is to solve a problem of exclusion as a result of the rules for rural daycare. The Committee did take a look at this.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-890) - Minority (1) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Licensed Child Care Facilities (EMERGENCY)

(H.P. 1417) (L.D. 2033)

Which was **TABLED** by Representative PINGREE of North Haven, pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered)

Representative TUTTLE of Sanford moved that the Resolve be **TABLED** until later in today's session pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative CAMPBELL of Newfield **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative PERRY of Calais 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.

Subsequently, Representative CAMPBELL of Newfield **WITHDREW** his request for a roll call to **TABLE** until later in today's session pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Subsequently, **TABLED** pending the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-891)** on Bill "An Act To Protect the Health of Infants"

(H.P. 507) (L.D. 658)

Signed:

Senators:

SULLIVAN of York

BOWMAN of York

SNOWE-MELLO of Androscoggin

Representatives:

BRAUTIGAM of Falmouth

CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Hallowell
RICHARDSON of Warren
SAVAGE of Falmouth
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

READ.

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the good Representative from Madison, Representative Curtis, bringing this bill before us. Apparently, there are a couple kinds of allergies and defects that young babies under the age of two have that make it difficult and impossible to digest either regular milk or soymilk, so a special kind of formula is required. Most of the insurance carriers do cover that, but a couple apparently do not. This bill simply requires that all insurance carriers cover this medically necessary formula for these infants, and I would ask for a roll call. Thank you.

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

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

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am the one on the 21-1 Report. The only reason I voted for this is it is another mandate and will simply increase the cost of health insurance. Most providers already are covering this. One is not MEGA Life; they will be raising their prices a little bit to cover this. I do not think it is fair for us to be raising prices on health insurance and making our own health insurance a little bit better, and making health insurance for those who already have coverage a little bit better, while making it just a little bit more expensive for everybody else. Thank you, Mr. Speaker.

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

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. 314

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant,

Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Joy, McKane, Prescott.

ABSENT - Cleary, Conover, Duprey, Hamper, Hayes, Moore, Muse, Pendleton, Pineau, Richardson D, Simpson, Walker, Weddell.

Yes, 135; No, 3; Absent, 13; Excused, 0.

135 having voted in the affirmative and 3 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-891)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 3, 2008.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-895)** on Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

(H.P. 1452) (L.D. 2068)

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

PLOWMAN of Penobscot

Representatives:

MOORE of Standish

NASS of Acton

PINKHAM of Lexington Township

FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

WEDDELL of Frankfort

PATRICK of Rumford

TRINWARD of Waterville

TUTTLE of Sanford

CAREY of Lewiston

BRYANT of Windham

READ.

On motion of Representative PATRICK of Rumford, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 3, 2008.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-896)** on Bill "An Act To Amend the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco"

(H.P. 1558) (L.D. 2188)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
BEAUDETTE of Biddeford
SIROIS of Turner
SCHATZ of Blue Hill

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

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
CURTIS of Madison
JOY of Crystal
COTTA of China
HAYES of Buckfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-896)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 3, 2008.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (S-459)** - Committee on **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

(S.P. 318) (L.D. 1001)

Which was **TABLED** by Representative WATSON of Bath, pending **ACCEPTANCE** of either Report.

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

Representative CROSTHWAITE of Ellsworth **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 315

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant,

Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Eaton, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Wagner, Weaver, Wheeler, Woodbury, Mr. Speaker.

NAY - Eberle, Fischer, Kaenrath, Valentino, Watson, Webster.

ABSENT - Cleary, Conover, Dill, Duprey, Hamper, Hayes, MacDonald, Marley, Moore, Muse, Pendleton, Pineau, Richardson D, Simpson, Walker, Weddell.

Yes, 129; No, 6; Absent, 16; Excused, 0.

129 having voted in the affirmative and 6 voted in the negative, with 16 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "B" (S-459)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 3, 2008.

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, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1531) (L.D. 2151)
(C. "A" H-854)

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

PENDING - PASSAGE TO BE ENGROSSED.

Representative GOULD of South Berwick **PRESENTED House Amendment "A" (H-882)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you look at LD 2151, in particular, Sections 23 through 28, they address minor substantive changes to the estate tax law and, in particular, the evaluation of estates. What this change in the law would do would change how the estates are valued, and it defines the Federal gross estate value as that value determined by Maine Revenue Service.

The issue, as painted, was that a Federal closing letter is received from the IRS and, apparently, it precludes Maine Revenue Services from changing values if Maine Revenue Services believes that it finds a mistake. Imagine a taxpayer subject to two evaluations, potentially inconsistent evaluations. Imagine Maine Revenue Services, with its limited resources, determining values of minority and marketability discounts and assets. Imagine Maine Revenue Services determining, whether because there is a greater than 5 percent reversionary interest in a gifted asset, that it needs to be brought back into the gross

estate, when the IRS may have already determined that it does not. Imagine an estate closed, an IRS closing letter received, moneys paid out to beneficiaries, and then the audit letter comes from Maine Revenue Services which says we have a different value.

Mr. Speaker, in these tough economic times as our citizens are struggling, in this time when you call for tax reform, do you want to tell our citizens that in the estate tax area, tax reform means potentially two inconsistent values? I certainly do not and, Mr. Speaker, I urge you and our colleagues to be in favor of House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment that the Representative from South Berwick, Representative Gould, has put forward has been fully vetted before the Taxation Committee; in fact, if the amendment goes through, the Report would have been identical to the Minority Report that came from the Committee. But the majority of the committee felt strongly that these changes were not needed and, in fact, is bad policy. In essence, what removal of these sections would do would be to limit Maine Revenue Services ability to go after taxes which are properly owed to the State of Maine and, at least from my perspective, the last thing I want to do is turn down an opportunity for a properly received tax benefit.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-882)**.

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 Adoption of House Amendment "A" (H-882). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 316

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

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

ABSENT - Blanchard, Bliss, Cleary, Conover, Dill, Duprey, Hamper, Hayes, Moore, Muse, Pendleton, Pineau, Richardson D, Simpson, Walker, Weddell.

Yes, 55; No, 80; Absent, 16; Excused, 0.

55 having voted in the affirmative and 80 voted in the negative, with 16 being absent, and accordingly **House Amendment "A" (H-882)** was **NOT ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-854)** and sent for concurrence.

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

(H.P. 1523) (L.D. 2143)

- In House, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823)** on March 28, 2008.

- In Senate, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ and ACCEPTED** in **NON-CONCURRENCE**.

TABLED - March 31, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - FURTHER CONSIDERATION.

Representative SMITH of Monmouth moved that the House **INSIST**.

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

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 317

YEA - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson W, Robinson, Rosen, Sarty, Savage, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver, Woodbury.

NAY - Adams, Babbidge, Barstow, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Connor, Craven, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Mr. Speaker.

ABSENT - Berry, Bliss, Cleary, Conover, Dill, Duprey, Hamper, McKane, Moore, Muse, Pendleton, Pineau, Richardson D, Saviello, Simpson, Walker, Weddell.

Yes, 61; No, 73; Absent, 17; Excused, 0.

61 having voted in the affirmative and 73 voted in the negative, with 17 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Resolve, To Ensure Appropriate Personal Needs Allowances
for Persons Residing in Long-term Care Facilities

(H.P. 501) (L.D. 652)

- In House, Majority (5) **OUGHT NOT TO PASS** Report of the
Committee on **HEALTH AND HUMAN SERVICES READ** and
ACCEPTED on January 15, 2008.

- In Senate, Minority (3) **OUGHT TO PASS AS AMENDED**
Report of the Committee on **HEALTH AND HUMAN SERVICES**
READ and **ACCEPTED** and the Resolve **PASSED TO BE**
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"B" (H-645) in NON-CONCURRENCE.

TABLED - January 29, 2008 (Till Later Today) by Representative
PINGREE of North Haven.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative PERRY of Calais, the House
voted to **INSIST.**

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

Representative **PERCY**: Thank you Mr. Speaker. Mr.
Speaker, Ladies and Gentlemen of the House. If I had been in
the House for Roll Call No. 261, LD 2173, I would have voted
yea. If I had been in the House for Roll Call No. 277, LD 2104, I
would have voted yea.

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

On motion of Representative ROSEN of Bucksport, the
House adjourned at 5:15 p.m., until 9:00 a.m., Thursday, April 3,
2008.