

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
 FIRST REGULAR SESSION
 25th Legislative Day
 Wednesday, March 23, 2011

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

Prayer by the Honorable John L. Tuttle Jr., Sanford.
 Pledge of Allegiance.
 Doctor of the day, Jeffrey Sedlack, M.D., Belfast.
 The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, To Direct the Department of Environmental Protection To Adopt Rules Establishing Sound Level Limits for Wind Turbines

(S.P. 346) (L.D. 1146)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products"

(S.P. 360) (L.D. 1185)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Amend the Child and Family Services and Child Protection Act"

(S.P. 352) (L.D. 1152)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 108)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 22, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under House Rule 201.1 (l), I am appointing Representative Wayne T. Mitchell of the Penobscot Nation to the Joint Standing Committee on Veterans and Legal Affairs.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
 S/Robert W. Nutting
 Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 107)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 23, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Environment and Natural Resources

L.D. 256

An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System

L.D. 479

An Act To Prohibit the Burning of Construction and Demolition Debris at Municipal Landfills and Transfer Stations

Inland Fisheries and Wildlife

L.D. 356

An Act To Prohibit the Use of Certain Motorboats on Lily Pond in Deer Isle

Insurance and Financial Services

L.D. 567

An Act To Prevent Insurer Limits on Certain Dental Fees

Judiciary

L.D. 318

An Act To Require Consideration of Higher Education for Children during Divorce Deliberations

L.D. 374

An Act To Change the Method of Calculation of Child Support

Labor, Commerce, Research and Economic Development

L.D. 700

Resolve, Directing the Finance Authority of Maine To Create a Microfinance Loan Program Entitled "Believe in ME" for Entrepreneurs under 30 Years of Age

State and Local Government

L.D. 344

An Act To Authorize Cumberland County To Offer Certain Educational Services

L.D. 345

An Act To Modernize the Functions of County Government

Taxation

L.D. 147

Resolve, To Provide \$1,000,000 to the Fund for the Efficient Delivery of Local and Regional Services

L.D. 312

An Act To Reinstate the Fund for the Efficient Delivery of Local and Regional Services

L.D. 623

An Act To Reestablish the Municipal Revenue Sharing Program as a Compact between the State and Municipal Governments

Transportation

L.D. 454

An Act To Permit Variation in Motor Vehicle Registration Expiration Dates

L.D. 574

An Act To Extend the Time of a Temporary Registration Plate

L.D. 630 An Act To Require Disability Registration Plates To Be Renewed in Person When Registering at a Municipality
The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Heather J.R. Priest
Clerk of the House

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-8) - Minority (4) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Designate the Whoopie Pie as the State Dessert"

(H.P. 59) (L.D. 71)

TABLED - March 16, 2011 (Till Later Today) by Representative COTTA of China.

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

Subsequently, the Majority Ought to Pass as Amended Report was **ACCEPTED.**

The Bill was **READ ONCE.** Committee Amendment "A" (H-8) was **READ** by the Clerk.

Representative **PILON** of Saco **PRESENTED House Amendment "A" (H-20) to Committee Amendment "A" (H-8),** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you heard in the media over the past several weeks, the whoopie pie is in dispute. Where has the whoopie pie originated? Pennsylvania perhaps? The Pennsylvania Amish have said "We created the whoopie pie." Or perhaps Boston? Boston has claimed it was created there, but they already have the Boston cream pie so it's not been created there. Everyone here said it's been created here in Maine. So while all of that's been in dispute, the impact of the wild Maine blueberry industry is not in dispute. The economy here thrives. In 2008 alone, wild Maine blueberries contributed over \$250 million to the Maine economy. It created 2,500 jobs, many in Maine's economically challenged areas. The Machias Blueberry Festival in August attracted over 100,000 people. That area, the Machias area, produces 85 percent of the world's blueberries, a massive part of northern Maine's economy. Massive is an accurate way to describe the health benefits of wild Maine blueberries. Mr. Speaker, did you know that one-third of Maine's children are either overweight or obese? Do we need to promote sugary treats that are nothing more than frosting delivery vehicles masquerading as food? Maine's wild blueberries are referred to as the antioxidant superfruits. The University of Maine at Orono is researching the benefits of these superfruits in such areas as healthy aging, anti inflammatory agents, cancer prevention, prevention against strokes, reducing diabetes. I can assure you, Ladies and Gentlemen of the House, that there is no such research on the whoopie pie. Finally, Mr. Speaker and

Ladies and Gentlemen of the House, I ask you to join me today in supporting Maine's agriculture, supporting good health and supporting the wild Maine blueberry pie as our official Maine dessert. Thank you, Mr. Speaker.

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

Representative **EDGEComb:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Wild blueberry pie, wild blueberry pie. If I don't get some, I think I'm going to die. Give away the green grass, give away the sky. But don't give away my blueberry pie.

The **SPEAKER:** The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I signed on to this bill way back. I'm sorry that I did. This is the biggest waste of time, waste of money, and I really think we need to vote this down because it's just making us all look funny.

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

Representative **BURNS:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for the opportunity to speak on this. I will be very brief. As you've heard before, we've had a lot of fun with this. We are at a point, I think, where we might need to move on. I completely support the good Representative from Saco's amendment to this. We're talking about something that's not only good for you, it's good to eat, it's good for our economy, it will help the entire State of Maine, so let's get on with business and let's do something that's going to be productive. I urge you to support House Amendment "A." Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS:** Thank you, Mr. Speaker. When I was asked by the University of Maine Foundation to put this bill in, I thought it was a real simple bill that wouldn't get any attention at all. Well, let me tell you, I was wrong about that. I've been on the front page of every daily newspaper in the State of Maine. I've been interviewed in and appeared in *The Boston Globe*, *The Philadelphia Inquirer*, the front page of *The Wall Street Journal*, and even that conservative mess in *The New York Times* has interviewed me. My name and the poor old whoopie pie have been on CNN and FOX News. I've been interviewed by at least a dozen news outlets in Lancaster County. You'll see Lancaster County, Pennsylvania, feels we're stealing their whoopie.

One day while driving to Augusta, I got a call from a radio station in St. Catharines, Ontario. They wanted to talk about the whoopie pie. To make matters worse, the next day a fellow in Dover-Foxcroft asked me if I was in Ontario the day before because he heard me on the radio out there. I would really hate to have to pay for all this publicity and it was suggested to me this morning that maybe we ought to hold this over until the 126th because of the publicity. Mr. Speaker, I disagree with that idea one hundred percent. I've also got about 100 emails and calls on it; most of them have been supportive, a few had a different idea. I would say to you today, support this bill or support the amendment.

I would also like to tell you that for those of my colleagues who live in the Portland area, this Saturday morning at the Maine Mall, this coming Saturday morning, Coast 93.1 radio station is going to make a 750-pound whoopie pie. Now after it's completed, they're going to sell the slices and they are going to use the proceeds to benefit the troops in Afghanistan and Iraq, and Libya now.

The amendment in front of you will make the blueberry pie the state dessert and it will make the whoopie pie the treat. I would argue a little bit with the sponsor of the amendment when he says that whoopie pies are very fattening. I am quite sure when my wife makes a blueberry pie she uses shortening and sugar and that type of thing, which I think also goes into the whoopie pie. Mr. Speaker, I've had a request to ask for a roll call. Thank you.

Representative DAVIS of Sangerville **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-20) to Committee Amendment "A" (H-8)**.

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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I'm just going to let the Representative from Sangerville know that I support the whoopie pie bill and here's why. Blueberries are awesome, they are wonderful, I love them. My mother makes the most amazing blueberry pie, but I have never had a good, mass-produced blueberry pie. I have had many good mass-produced whoopie pies and whoopie pies are manufactured or baked, cooked, whatever, created in the State of Maine and shipped all over the country and all over the world. Making the whoopie pie a state dessert helps boost those businesses, helps them with their marketing efforts. So it is in Maine's best interest to pass this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did vote Ought to Pass out of committee on this, but I need to confess I didn't realize we were talking about pies at the time. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to back up Representative Davis on this. It came before our committee, this bill, and I really think that, well, actually you can find an article I wrote with the bill here if you want to. But what I think has been missed and I feel bad about it. I think the blueberry pies are wonderful, but I think what has been unfortunate in the press on the whoopie pie aspect of this bill is that it has been presented as something silly, frivolous, fattening, that sort of thing. But, in fact, the presentation that came to our committee was very serious. It had a lighthearted aspect to it, of course, as people from all over the State House streamed in there to get their sample whoopie pie afterwards. But in these difficult times, the thing that struck me about it was how wonderful it was that people could have these businesses, started often times right in their own homes and build them to hire more employees, and the businesses could be as large as the one in Lewiston that ships out 100,000 whoopie pies a day across the country. It really is, as my daughter says, this is big business, everybody likes whoopie pies. What some of you who are native Mainers might not realize, I, as someone who is not a native Mainer, found it very interesting and a new kind of a treat. When I came to Maine I'd never seen it before. So it really does have a history and association with Maine, and it has a legitimate claim to being something very particular to Maine. Pennsylvania may also have its share of a claim and they are absolutely salivating over this bill that it not pass so that they can claim the whoopie pie, but, in fact, what I have heard from some of the people who make their business this way is that their business has been increased quite a bit by recognition of the whoopie pie

and getting it in the media. Many people who testified before us testified to the fact that they had appeared on television shows such as Martha Stewart, Oprah Winfrey and on the food shows nationally recognizing Maine as a source of this whoopie pie. So it seems to me something that costs us nothing and it is about building business and building jobs in Maine, and it doesn't parade itself as real big nutritious food and only as a treat. So I'd like to suggest that while the blueberry pie is also good, we not forget that whoopie pies are a growing business in Maine. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lincolnville, Representative O'Brien.

Representative **O'BRIEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I come from blueberry country. I've been raking blueberries since I was about nine years old and my brother, as far as I know, has the state record for raking blueberries, 228 baskets in one day, which is just under 3 tons in my understanding, and as a Representative of the blueberry country I ask you to vote down this amendment. I think that we could make the blueberry pie the state dessert and the bill is not about the state dessert, it is about the state treat, and could also make Needhams the state snack. I just remind you that we're not talking about the state health food here. So I would just ask the body to stop wasting our time and just vote for the whoopie pie. I believe that we've only voted on about three bills so far or so. Let's move on, vote the whoopie.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When people from away come to Maine and they go to our fine restaurants throughout the State of Maine, and after they finish a nice meal, they look at the menu and they say let's have a dessert. Now the menus that I have seen, I've never seen whoopie pie on the menu as a dessert. And pie, in *Webster's Dictionary*, denotes a pan with a crusty base, with either fruit filling or cream filling. Now the whoopie pie is merely two pieces of cake with frosting in the middle. It is not a pie. So that is only a snack and it is not sold in restaurants, and it is not a dessert, it is not on fine restaurants' menus, and it has no nutritional value. None of the products that go into making a whoopie pie come from Maine. All the ingredients that are made that go into making a blueberry pie come from Maine, so that is why we need to support our farmers, support agriculture, and it's all about reducing obesity in our children. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-20) to Committee Amendment "A" (H-8). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 8

YEA - Ayotte, Beaulieu, Beavers, Beliveau, Bennett, Black, Blodgett, Burns DC, Burns DR, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Foster, Fredette, Gifford, Gillway, Goode, Guerin, Hamper, Hanley, Haskell, Herbig, Hunt, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rotundo, Sanborn, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Wagner R, Waterhouse, Webster, Welsh, Willette M, Wintle, Mr. Speaker.

NAY - Beck, Berry, Boland, Bryant, Cain, Carey, Clark H, Clark T, Dill J, Driscoll, Duchesne, Dunphy, Eberle, Espling, Flood, Fossil, Gilbert, Graham, Harlow, Harmon, Harvell, Hayes, Hince, Hogan, Johnson D, Kruger, Lovejoy, MacDonald, McClellan, Morrison, Nelson, O'Brien, Peoples, Prescott, Rochelo, Rosen, Russell, Sanderson, Stevens, Stuckey, Tuttle, Valentino, Volk, Weaver, Willette A, Winsor, Wood.

ABSENT - Beaudoin, Bickford, Bolduc, Briggs, Clarke, Cornell du Houx, Dill C, Dion, Innes Walsh, Kent, Rioux.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly **House Amendment "A" (H-20) to Committee Amendment "A" (H-8) was ADOPTED.**

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. Let me tell you a short story. The Representative from Sangerville and I, we're not known for working together on a lot of issues. We come from different places, different backgrounds, different political parties, yet we have locked arms on the whoopie pie, and I'm proud of that. I just want to focus my remarks today on why you should not be embarrassed that we're having this debate, why we should in fact be proud that Maine is able to recognize our brand and market it by putting the Representative from Sangerville's face and distinct Maine voice on media outlets throughout the world. And that's a good thing. It's a good thing because hundreds of people across Maine go to work every day to make whoopie pies, whether it's in Lewiston or Portland, Freeport, Old Town or Gardiner and Ellsworth, and every mom-and-pop bakery, every regional bakery, every large bakery in the State of Maine is proud of their whoopie pie product.

Thousands of people attended, including myself and the Representative from Sangerville, the Whoopie Pie Festival in Dover-Foxcroft this past summer. I was not a believer in this bill until I attended that festival when I saw the businesses, large and small, that came to show off their goods, when I saw the number of Maine artists, the Maine dairy industry that came to literally the table to share in celebrating a unique Maine product, the whoopie pie. In fact, if you were to go on Facebook, you would find that the whoopie pie has tens of thousands of fans from all across the country, the Maine whoopie pie, and I'm proud of that. Is it the biggest bill we'll do all year? No. Is it going to get more press than a lot of other work we do? Yes, and that's okay because it's something that we can be proud of.

I think the story of how this bill came to be is worth telling. It started as an idea over a year ago by a guy named Amos Orcutt, who is the president of the University of Maine Foundation, and who is a blueberry farmer. He got this idea and thought I'm going to ask other people if they would support it. Next thing you know petitions were being filed, Facebook pages were being started. At the festival, everyone was talking about it. And then the Representative from Sangerville agreed to carry the bill, I agreed to be the lead co-sponsor and hence our very strange partnership began. So I'm proud to vote for this bill. I think this is a bill that is about brand, it's about marketing, it's about small business, and it's about claiming something that's ours and being proud of it, and being proud of the people who work for it every single day.

As for the nutritional value of the whoopie pie, my grandfather taught me everything in moderation, whether that's whoopie pies, blueberry pies or floor speeches, Mr. Speaker. And so with that I will say please support this bill, please hold your head high and say, yes, we have other work we're doing, yes, it is taking up more of our energy than this bill is, but let's be proud of those

people who go to work every single day to make something we can all enjoy together. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We've done a quick survey and there are whoopie pies available in the Cross Cafe at lunchtime, but we don't have confirmation yet that blueberry pies are there. Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

Representative **CUSHING** of Hampden **REQUESTED** a roll call on **ADOPTION of Committee Amendment "A" (H-8) as Amended by House Amendment "A" (H-20)** thereto.

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 Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was not going to speak on this but after hearing Representative Cain speak about attending a festival of changing her mind to the whoopie pie, I would invite all of you people to come to Rockland at the end of August and go to the Rockland Lobster Festival, and then you're going to make the lobster pie the state dessert. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Legislature has made a mountain out of molehill and the media is the one who has fueled this debate in the public. This Legislature has turned a pro business bill into an obesity healthcare crisis. When I went to the bakery this morning to get a nice treat for the Representative from Sangerville, I also picked up a whoopie pie for myself, a nice chocolate covered one that's in my pocketbook. But I will tell you, nobody there was laughing about this bill. They were angry. They were angry at this Legislature. When this bill first came out, this was a very pro business bill and they were very excited about this bill. We were trying to help their business, this was a simple bill. What we've done is hurt their business talking about lard and fat and obesity. We have thrown cold water on the celebration that we should be having for today. If lobster wants theirs, if blueberries have theirs, let them have their day. Let's promote everything, let's have a list a mile long if it's pro business. I am voting for this bill. I eat whoopie pies, it's a treat and I think it's a pro business bill, and I think what we have done on this bill and what the media has done on this bill has actually hurt the businesses that we were trying to help, and I would urge all of you to vote for this. If you want something else, then put in your own bill next year.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Valentino has expressed many of the thoughts that I was about to state, but I would like to say that I am very disappointed. After all, some members of my committee and myself take our jobs very seriously, and I missed the opportunity to check the validity of the claim that the blueberry pie should be our state dessert. On a serious note, it is appropriate for the committee to take up these requests. Up until the time when this Legislature adopted Moxie as the state's soft drink, and, yes, I sampled that one also, we have a number of natural resource based items that we named – state bird, state fossil, state mineral and the like – and while I have no objection to the blueberry pie, if we continue to

add on amendments without giving each due consideration it does become cumbersome. Having said that, one of my constituents is actually a descendent of Jasper Wyman and I would be hard-pressed to say no to this bill as amended. So when the lights are tallied, you'll see my light being green and I would encourage this body to do likewise. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative PILON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll be brief. I've said most of my points. The points that Representative Cain made about the small micro industries can be said for many industries throughout the State of Maine. The press that we've created with this issue, I believe, has only enhanced the whoopie pie, the blueberry pie and the State of Maine. When I heard Representative Davis, the Representative from Sangerville, had submitted this bill, I thought this was an opportunity to introduce the wild blueberry industry to the State of Maine. I thought that this was an opportunity to give the wild blueberry industry and the agricultural industry, the farmers that work so hard in the fields to make a little bit of money, an opportunity to show the industry that they created with 2,500 jobs in an economically depressed area that we could help them exploit or target that area. The Machias Blueberry Festival brings 100,000 people into the area every year. Also, it shows the world that 85 percent of the world's blueberries are produced in northern Maine. I thought this would be a good opportunity to show the world, put Maine on the map. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-8) as Amended by House Amendment "A" (H-20) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 9

YEA - Ayotte, Beaulieu, Beavers, Beliveau, Bennett, Berry, Black, Boland, Burns DC, Burns DR, Cain, Carey, Cebra, Celli, Chase, Chipman, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Duchesne, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Fossel, Foster, Fredette, Gifford, Gillway, Goode, Guerin, Hamper, Hanley, Haskell, Hayes, Herbig, Hunt, Johnson P, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McCabe, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Sanborn, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Weaver, Webster, Willette M, Winsor, Wintle, Mr. Speaker.

NAY - Beck, Blodgett, Bryant, Casavant, Chapman, Driscoll, Dunphy, Eberle, Flood, Gilbert, Graham, Harlow, Harmon, Harvell, Hinck, Hogan, Innes Walsh, Johnson D, Kaenrath, Lovejoy, Mazurek, McClellan, Nelson, Peoples, Plummer, Prescott, Rochelo, Russell, Sanderson, Timberlake, Waterhouse, Welsh, Willette A, Wood.

ABSENT - Beaudoin, Bickford, Bolduc, Briggs, Clarke, Cornell du Houx, Dill C, Dion, Kent, Rioux.

Yes, 107; No, 34; Absent, 10; Excused, 0.

107 having voted in the affirmative and 34 voted in the negative, with 10 being absent, and accordingly **Committee Amendment "A" (H-8) as Amended by House Amendment "A" (H-20) thereto was ADOPTED.**

The Bill was assigned for **SECOND READING** Thursday, March 24, 2011.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Establish a Pilot Physical Education Project in Four Maine Schools" (EMERGENCY)

(H.P. 939) (L.D. 1280)

Sponsored by Representative ROCHELO of Biddeford. Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, CASAVANT of Biddeford, GRAHAM of North Yarmouth, MALONEY of Augusta, NASS of Acton, NELSON of Falmouth, PILON of Saco, RANKIN of Hiram.

Bill "An Act To Allow Students Choice in High School Enrollment"

(H.P. 942) (L.D. 1283)

Sponsored by Representative MALONEY of Augusta. Cosponsored by Senator MASON of Androscoggin and Representatives: BOLAND of Sanford, MAKER of Calais, VOLK of Scarborough, WAGNER of Lewiston, Senator: KATZ of Kennebec.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Stabilize Solid Waste Management Funding"

(H.P. 937) (L.D. 1278)

Sponsored by Representative DUCHESNE of Hudson. Cosponsored by Representatives: DILL of Old Town, HAMPER of Oxford, INNES of Yarmouth, JOHNSON of Greenville.

HEALTH AND HUMAN SERVICES

Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing

(H.P. 940) (L.D. 1281)

Sponsored by Representative FOSSEL of Alna. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: CELLI of Brewer, EVES of North Berwick, MALABY of Hancock.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Relating to Qualified Financial Contracts by Domestic Insurers"

(H.P. 938) (L.D. 1279)

Sponsored by Representative RICHARDSON of Warren. Cosponsored by Representative: TREAT of Hallowell.

JUDICIARY

Bill "An Act To Increase Efficiency of the State Court Library Committee"

(H.P. 935) (L.D. 1276)

Sponsored by Representative NASS of Acton. Submitted by the Judicial Department pursuant to Joint Rule 204.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board"

(H.P. 944) (L.D. 1285)

Sponsored by Representative PRESCOTT of Topsham.
Cosponsored by Representatives: BURNS of Whiting, CUSHING of Hampden, DOW of Waldoboro, HAMPER of Oxford, WINTLE of Garland.

MARINE RESOURCES

Bill "An Act To Increase Fairness in Lobster Fishing Licensure"

(H.P. 941) (L.D. 1282)

Sponsored by Representative VOLK of Scarborough.
Cosponsored by Representatives: BENNETT of Kennebunk, DILL of Cape Elizabeth, PARRY of Arundel, TILTON of Harrington.

Bill "An Act To Amend the Scallop Advisory Council"

(H.P. 943) (L.D. 1284)

Sponsored by Representative FOSSEL of Alna.
Cosponsored by Senator LANGLEY of Hancock and Representatives: McKANE of Newcastle, OLSEN of Phippsburg, PRESCOTT of Topsham, Senator: SNOWE-MELLO of Androscoggin.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Exempt Contributions for the Retirement of Old Campaign Debt from Contribution Limits"

(H.P. 936) (L.D. 1277)

Sponsored by Representative CHIPMAN of Portland.
Cosponsored by Representatives: BEAULIEU of Auburn, CROCKETT of Bethel, DAMON of Bangor, HARLOW of Portland.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert H. Michaud, of Jay, Associate Law Librarian at the State Law and Legislative Reference Library, on the occasion of his retirement after 28 years of dedicated service to the State of Maine. With his masterful knowledge of legislative resources, Mr. Michaud has been a diligent compiler of legislative histories and an accomplished instructor in legal research to volunteer consumer complaint mediators and students in criminal justice programs, and he has ably and graciously assisted countless thousands of Legislators, legislative and agency staff and public patrons to find the law and legislative information to accommodate their needs. We acknowledge his outstanding work over the years and his commitment to his profession and to the State of Maine. We extend our appreciation to him for his dedicated service, and we congratulate him on his retirement. We send him our best wishes on his future endeavors;

(HLS 194)

Presented by Representative GILBERT of Jay.
Cosponsored by Senator PATRICK of Oxford, President RAYE of Washington, Speaker NUTTING of Oakland, Senator COURTNEY of York, Senator PLOWMAN of Penobscot, Senator

HOBBS of York, Senator ALFOND of Cumberland, Representative CURTIS of Madison, Representative CUSHING of Hampden, Representative CAIN of Orono, Representative HAYES of Buckfield.

On **OBJECTION** of Representative GILBERT of Jay, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Jane P. Cushing, on the occasion of her 80th birthday, March 23, 2011. Mrs. Cushing resides in Hermon with her husband, Andre E. Cushing, Jr. She has a long career of public service, having served her community as President of the Junior League of Bangor and the Bangor Chapter of the Altrusa Club and with the Jaycee Wives and the Shakespeare Club and with many years of dedicated service to the Republican Party as state committeewoman and a political activist. We send her our congratulations and best wishes on this celebration of her life;

(HLS 195)

Presented by Representative CUSHING of Hampden.
Cosponsored by Senator FARNHAM of Penobscot, Representative RICHARDSON of Carmel, President RAYE of Washington.

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **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, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing the organizers and participants of the Crystal Lake Ice Fishing Derby, of Gray

(HLS 146)

TABLED - March 3, 2011 (Till Later Today) by Representative GRAHAM of North Yarmouth.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As we watch spring try to emerge from a long, cold snowy winter, I am here to celebrate the power of community on a frozen lake. At 5 am on Saturday, January 29th, I arrived at Crystal Lake in Gray, Maine. There I found warm smiles and handshakes from what seemed to be thousands of volunteers helping children, men and women drill holes in the ice and fish, but more importantly to have fun. What I was taken by was not the fishing, which I didn't have a clue as to how to do it, but thanks to the Honorable Representative Haskell's delightful spouse, Lou, I learned. Thank you. But it was the awesome sense of community that I saw. Lieutenant Todd Bagetis of the U.S. Coast Guard adeptly coordinated 16 local and state organizations, six sponsoring businesses and 21 volunteer leaders to work together and support the USO, which is the United Service Organization of

New England, the Department of Inland Fisheries and Wildlife, Gray Regional Office, Dry Mills Hatchery, and Hooked on Fishing - Not on Drugs, Gray and New Gloucester School System, Patriots Parents, Project Graduation, volunteers and staff from the Gray Fire Department, fire rescue from the Gray Parks and Rec, U.S. Coast Guard. I go on, I know, and on and on. Northern New England U.S. Army Maine Air National Guard, Maine National Guard, Maine National Guard RSC, Maine State Police, Maine VFW, American Legion. Okay, enough. As you see, many, many people who came together that day. By the end of the day, the lake was beginning to buckle and it was time to go home. After a record setting celebration of community, I looked forward to the spring flowers and sunshine, but today I'd like to thank the Crystal Lake Ice Fishing Derby Team for letting me be part of their community. I look forward to joining you for many winters to come as Lieutenant Bagetis gave me this quote: "A patriotic community is as strong as its weakest group or individual. Together we will make each other strong, powerful and open our caring hearts to help others. Semper paratus." Thank you.

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

REPORTS OF COMMITTEE
Change of Committee

Report of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex"

(S.P. 283) (L.D. 895)

Reporting that it be **REFERRED** to the Committee on **TAXATION**.

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

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

Divided Report

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Combined Sewer Overflows in Maine Waters" (EMERGENCY)

(H.P. 214) (L.D. 261)

Signed:

Senators:

GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-31)** on same Bill.

Signed:

Senator:

SAVIELLO of Franklin

READ.

On motion of Representative HAMPER of Oxford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Resolve, To Reimburse Convenience Stores on a One-time Basis for Beverage Containers

(H.P. 496) (L.D. 666)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-28)** on same Resolve.

Signed:

Representative:

AYOTTE of Caswell

READ.

On motion of Representative HAMPER of Oxford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow the Use of Crossbows during the Archery Season"

(H.P. 119) (L.D. 137)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)** on same Bill.

Signed:

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CRAFTS of Lisbon
SHAW of Standish
WOOD of Sabattus

READ.

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

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

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope before we get in the other motions in front of us we consider what's in front of us now. Now you vote with the Majority Report because nobody wants any more opportunity to hunt than I do, but when you've got a deer herd in the State of Maine that's on the decline, where I live you only can take doe. You're lucky to get one. Some parts of the state, with archery, you can take deer. But I can tell you right now, it's not a good opportunity for the sportsmen. The Maine Bowhunters Association spoke in opposition to this bill. The Department of Fisheries and Wildlife spoke neither for nor against but did say if this is granted, they'd have to look at the deer, particularly if they take a lot of doe. The last three or four winters our deer herd is on the decline, second to none. Monday of next week we're going to have a report from the department on our deer herd. We sit on that committee thinking we're all biologists, all experts in hunting and fishing and trapping, but we forget we have a department that puts this package together and how we're going to hunt, fish and trap in the State of Maine. Let's give them a little time to see what we do need without expanding greater opportunities for the deer herd that we don't already have. So Mr. Speaker, when the vote is taken, we request it by a roll call, and I hope we have a roll call on this issue because the deer herd is our buddies, our friends, and we need to help them as much as we can. Thank you very much, Mr. Speaker.

On motion of Representative CUSHING of Hampden, **TABLED** pending the motion of Representative DAVIS of Sangerville to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(S.P. 59) (L.D. 209) Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-10)**

(S.P. 168) (L.D. 576) Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds 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 Year Ending June 30, 2011" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-9)**

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

(H.P. 141) (L.D. 164) Bill "An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-35)**

On motion of Representative KNIGHT of Livermore Falls, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

CONSENT CALENDAR

Second Day

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

(S.P. 34) (L.D. 61) Bill "An Act Implementing a Fisheries Permit Banking Program" (C. "A" S-5)

(S.P. 65) (L.D. 214) Bill "An Act To Establish Governor William King Day" (C. "A" S-6)

(S.P. 177) (L.D. 594) Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY) (C. "A" S-7)

(H.P. 390) (L.D. 497) Bill "An Act To Amend the Powers and Duties of Municipal Treasurers"

(H.P. 40) (L.D. 47) Bill "An Act To Amend the Laws Governing Access to State and State Aid Highways To Allow a Break in a Control of Access" (C. "A" H-21)

(H.P. 65) (L.D. 77) Bill "An Act To Include the Study of Franco-American History in the System of Learning Results" (C. "A" H-23)

(H.P. 72) (L.D. 84) Bill "An Act To Improve the Sewer District Rate Collection Procedures" (EMERGENCY) (C. "A" H-25)

(H.P. 96) (L.D. 114) Bill "An Act To Allow Vietnam Veterans To Receive High School Diplomas Posthumously" (C. "A" H-24)

(H.P. 116) (L.D. 134) Bill "An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species" (C. "A" H-33)

(H.P. 126) (L.D. 143) Bill "An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities" (EMERGENCY) (C. "A" H-22)

(H.P. 174) (L.D. 197) Bill "An Act To Improve Response to Gas Safety Emergencies" (C. "A" H-26)

(H.P. 204) (L.D. 251) Bill "An Act To Establish the Wilderness Rescue Fund" (C. "A" H-32)

(H.P. 215) (L.D. 262) Bill "An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program" (C. "A" H-30)

(H.P. 458) (L.D. 628) Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council (C. "A" H-27)

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

Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

UNFINISHED BUSINESS

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

Bill "An Act To Restore Market-based Competition for Pharmacy Benefits Management Services"

(H.P. 828) (L.D. 1116)

(Committee on **INSURANCE AND FINANCIAL SERVICES** suggested)

TABLED - March 15, 2011 (Till Later Today) by Representative RICHARDSON of Warren.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act To Amend the School Transportation Formula To Recognize One-way Bus Trips"

(S.P. 388) (L.D. 1267)

Bill "An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary"

(S.P. 390) (L.D. 1269)

Bill "An Act To Establish a 2-week Quiet Period for School Teams"

(S.P. 394) (L.D. 1273)

Bill "An Act To Restore Equity in Education Funding"

(S.P. 395) (L.D. 1274)

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

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

Bill "An Act To Amend the Laws Governing the Activity of Certain Nonprofit Corporations"

(S.P. 396) (L.D. 1275)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities

(S.P. 391) (L.D. 1270)

Bill "An Act To Require Use of the Electronic Death Registration System"

(S.P. 392) (L.D. 1271)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections"

(S.P. 393) (L.D. 1272)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits"

(S.P. 389) (L.D. 1268)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial"

(S.P. 386) (L.D. 1265)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-4)** - Committee on **TRANSPORTATION** on Bill "An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense"

(S.P. 37) (L.D. 64)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**.

TABLED - March 22, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE** the Bill and accompanying papers. (Roll Call Ordered)

Subsequently, Representative MARTIN of Eagle Lake **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

Representative HASKELL of Portland **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: A roll call having been previously 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. 10

YEA - Bennett, Bickford, Black, Cebra, Chase, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Edgecomb, Espling, Fitts, Fredette, Gifford, Guerin, Hanley, Harmon, Hinck, Johnson D, Johnson P, Kaenrath, Keschl, Libby, Malaby, McCabe, McClellan, McKane, Moulton, O'Connor, Parker, Parry, Plummer, Richardson W, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clark H, Dow, Driscoll, Duchesne, Dunphy, Eberle, Eves, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gilbert, Gillway, Goode, Graham, Hamper, Harlow, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Knapp, Knight, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McFadden, Morissette, Morrison, Nass, Nelson, Newendyke, O'Brien, Olsen, Peoples, Peterson, Picchiotti, Pilon, Prescott, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Beaudoin, Briggs, Clarke, Cornell du Houx, Cotta, Dill C, Dion, Kent, Rioux.

Yes, 51; No, 91; Absent, 9; Excused, 0.

51 having voted in the affirmative and 91 voted in the negative, with 9 being absent, and accordingly the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the **Majority Ought Not to Pass Report was ACCEPTED in NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Extend the Same Privileges to the Wesget Sipu - Fish River Tribe as Are Extended to Other Maine Indian Tribes"

(S.P. 131) (L.D. 427)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

TABLED - February 10, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

PENDING - Motion of Representative **MITCHELL** of the Penobscot Nation to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

Subsequently, Representative **MITCHELL** of the Penobscot Nation **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-12) - Committee on TRANSPORTATION on Bill "An Act To Modernize and Reduce the Cost of Driver Education"

(H.P. 178) (L.D. 201)

TABLED - March 17, 2011 (Till Later Today) by Representative **CEBRA** of Naples.

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

The **SPEAKER**: The Chair recognizes the Representative from Mapleton, Representative **Willette**.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today against the current motion, Ought Not to Pass, on LD 201. LD 201 is meant to help modernize and expand access to the driver education process in Maine. Many modern learning institutions utilize some form of online distance learning, and this law simply opens the door to the inevitable shift towards more efficient and convenient education methods.

Online driver education does not replace the on-the-road instruction. This bill only allows the classroom instruction to be replaced by online instruction.

Receiving partial instruction online does not increase the risk. Insurance companies review demographic and behavioral patterns in minute detail in order to mitigate their risk. Insurance companies currently do not consider online driver education any more risky than in-person instruction. The U.S. military even uses online modules for instructing their pilots. If online instruction does not increase risk for fighter pilots, it certainly does not increase risk for drivers.

Online instruction is tried and tested. Online instruction has been used successfully by the University of Maine and Maine community colleges for years, classes that I myself have taken for my degree at the University of Maine at Farmington.

Restricting the use of online instruction in anti-free market. Maine consumers are prohibited from purchasing a more cost-effective, convenient option for driving instruction. Restricting access to online driver education provides an artificial barrier to the marketplace, and provides a disincentive for Maine businesses to innovate.

Lastly, online driver education provides an opportunity for Maine businesses, something that I think we all get elected here to try to promote. Developing online education modules is something that can be done by Maine driving education instructors. Maine instructors have the opportunity to increase the quality and value of their products by making them more convenient and cost-effective.

In closing, I urge the body to follow my light on this, and support business innovation and the next generation of Maine drivers. Thank you, Mr. Speaker.

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

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

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I should have risen sooner. I would have covered many of the same bases that the good Representative from Mapleton just addressed, so I am in the position of emphasizing a couple of key points. What this bill does is provides for online education. The way you can look at it is current law requires 30 hours of driver's ed in a classroom. Current law prevents someone from getting that education online. Basically, of course, we put the law in place before online education became readily available, but times have changed. Not only has online driver's ed been available for some time now, in some states as long as 10 years, but it has also been refined over time and works quite effectively. We might never have passed a law that said Maine prohibits online education, but that's the way it currently stands. So this bill, in one way of looking at it, merely eliminates that prohibition. What it doesn't do, it's important to emphasize although it has been stated, is change the behind-the-wheel part of driver's education. It does nothing to that. The requirement remains the same. That process remains the same. It also does not change the test. Students, after the passage of this bill, would have to pass the same test that is currently in law.

A way to look at it has been offered to me by a parent who has discussed this bill with me at length. If you've got children, who are 15 years of age and facing the opportunity to become a driver in Maine, and there's a lot of pressure in the family on their schedule, both parents might be working, the child has a host of activities, takes the driver's ed program very seriously. But in current practice, there is lost time, traveling to and from the class. Remember, of course, that that student is not driving yet so it's

the parents who have to figure out how to get the child to driver's ed, and it's the parents who have to figure out what to do while the class is going on and then bring them away from there. Now for some students they'd never want that to change. That's exactly what they want to do, it can be arranged. For others, online driver's education might be a blessing that could allow them to get the education they need.

Another factor was brought up in testimony. We did learn, and I've heard this elsewhere, that the in-classroom teaching often relies on a lot of repetition. Every single class I've heard of has involved reading the book, having someone in front of you in class reading to you what the book says. We were told that after a reading of each portion of the class, there is a repetition, two or three times. For some students that might be very valuable, for others it may not be necessary. A driver's ed teacher told us that they can look around the class and see if somebody is not quite getting it and repeat the same point several more times. For some students, that's not that useful. If they read it themselves or they heard it once, they would get it. With online driver's education, you could do it at your own pace. After each section there is an online quiz to take, and, ultimately, you have to pass the very same test.

So in short, Mr. Speaker, this is just an avenue to allow the people of Maine to work through driver's ed in a way that works best for them. Also, as has been stated by the good Representative from Mapleton, it's an opportunity for businesses to offer this to students and to make that part of their business, so I'd urge people to support it. Thank you. That would be voting against the pending motion.

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

Representative HOGAN: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted with the good Representative Hinck and also the good Representative Willette, and I did so because actually I had one major concern and that was when you take something online who was actually taking the test. Well, having the opportunity to speak and listen to Representative Willette, who is a student and has taken many courses online, he relieved me of those concerns and I was happy to support this bill. It also is a big benefit to rural Maine students who might have to travel a long way just to take the written part of it, so they would have an opportunity to do it at home and do it online. Also, if you've got multiple kids that are taking the test, it becomes quite expensive and that also is a big benefit. These are the reasons that I voted for it and I will be supporting Representative Hinck's and Representative Willette's lights.

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

ROLL CALL NO. 11

YEA - Blodgett, Casavant, Cebra, Celli, Cray, Crockett, Curtis, Eberle, Espling, Foster, Gifford, Gillway, Harmon, Luchini, McCabe, McClellan, Morrison, Parry, Peoples, Theriault, Tilton, Willette M, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Boland, Bolduc, Bryant, Burns DC, Burns DR, Cain, Carey, Chapman, Chase, Chipman, Clark H, Clark T, Cotta, Crafts, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Fredette, Gilbert, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega,

Lajoie, Libby, Long, Longstaff, Lovejoy, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wintle, Wood.

ABSENT - Beaudoin, Black, Briggs, Clarke, Cornell du Houx, Dill C, Dion, Kent, Rioux.

Yes, 23; No, 119; Absent, 9; Excused, 0.

23 having voted in the affirmative and 119 voted in the negative, with 9 being absent, and accordingly the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

Subsequently, the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-12) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 24, 2011.

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

Representative TUTTLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is with deep regret that we've learned of the death of former Representative George Bunker of Kossuth Township. George was House chair of various committees during his 10-year service, including, I believe, one as chairman of the Labor Committee. He passed away at the young age of 54. I would ask that when we adjourn today, we do so in former Representative George Bunker's memory. Thank you, Mr. Speaker.

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

On motion of Representative BECK of Waterville, the House adjourned at 12:01 p.m., until 10:00 a.m., Thursday, March 24, 2011 in honor and lasting tribute to the Honorable George H. Bunker, Jr., of Kossuth Township.