

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
24th Legislative Day  
Wednesday, March 7, 2012

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

Prayer by Chaplain Major David A. Michaud, 101st Air Refueling Wing, Bangor.

Colors presented by Maine State Select Honor Guard, Maine Army National Guard.

National Anthem by Staff Sergeant Joel T. Crowley, Windham.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

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At this point, a message came from the Senate borne by Senator COURTNEY of YORK of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to Major General (Retired) John W. Libby, Adjutant General of the Maine National Guard, an invitation to attend the Joint Convention and to make such communication as pleases him.

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The Journal of yesterday was read and approved.

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

**ORDERS**

On motion of Speaker NUTTING of Oakland, the following Joint Resolution: (H.P. 1366) (Cosponsored by President RAYE of Washington and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of

Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLIGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, WOODBURY of Cumberland)

**JOINT RESOLUTION IN HONOR OF ADJUTANT GENERAL JOHN W. LIBBY ON HIS RETIREMENT**

WHEREAS, Major General John W. Libby, of Sidney, Adjutant General of the Maine National Guard, is retiring after many years of dedicated service to the military and to the State of Maine; and

WHEREAS, Major General Libby assumed his duties as the Adjutant General of the Maine National Guard on January 15, 2004 and was employed as Commissioner of Defense, Veterans and Emergency Management; and

WHEREAS, as Commissioner of Defense, Veterans and Emergency Management, Major General Libby coordinated and administered Maine's responsibilities relating to military matters, veterans and civil emergency preparedness and was also responsible for the overall readiness of the Maine National Guard, and in that capacity has served with great distinction; and

WHEREAS, Major General Libby began his military career upon commission from the Army ROTC program at the University of Maine in 1966 and held active duty command and staff positions in both Vietnam and the Federal Republic of Germany before joining the Maine Army National Guard in 1975; and

WHEREAS, Major General Libby was awarded the Legion of Merit, the Bronze Star Medal, the Army Commendation Medal, the National Defense Service Medal and many other significant awards and decorations throughout his long career; and

WHEREAS, Major General Libby is a recipient of the Heart of Gold Award from Community Counseling Center for his commitment and dedication to the well-being of those serving in the Maine National Guard and their families; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to send our appreciation to Major General Libby for his exemplary commitment, dedication and work for the people of the State of Maine and the Nation, and we send him our congratulations and best wishes on his retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Major General John W. Libby.

**READ and ADOPTED.**

Sent for concurrence.

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

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative CURTIS of Madison to convey this message to the Senate.

#### **SPECIAL SENTIMENT CALENDAR**

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

##### **Recognizing:**

Brent M. Boyles, of Mapleton, for his 28 years of dedication to Maine Public Service Company. Mr. Boyles is a West Point graduate and holds 2 master's degrees. He has served as Maine Public Service Company's president and chief executive officer, senior vice president and chief operating officer and vice president of marketing and customer service. He has also served as vice president of Maine business relations for Emera Inc. Mr. Boyles holds the rank of Brigadier General and title of Assistant Adjutant General with the Maine Army National Guard. We extend our appreciation to Mr. Boyles for his commitment to the State and wish him well in his future endeavors;

(HLS 1019)

Presented by Representative WILLETTE of Mapleton. Cosponsored by Senator JACKSON of Aroostook, Representative AYOTTE of Caswell, Representative CLARK of Easton, Representative EDGECOMB of Caribou, Representative FITZPATRICK of Houlton, Representative LONG of Sherman, Representative MARTIN of Eagle Lake, Representative THERIAULT of Madawaska, Representative WILLETTE of Presque Isle, Senator SHERMAN of Aroostook.

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.

Subsequently, Representative CURTIS of Madison reported that he had delivered the message with which he was charged.

##### **Recognizing:**

the following members of the Lee Academy Boys Basketball Team, who have won the 2012 Class C State Championship: players Nathanael Thurlow, Jason Wu, Boubacar Diallo, Jasil Elder, Brandon Bourgoin, Kyler Peters, Dustin Sawtelle, Haris Karagic, Mike Richardson, Sam Brown, Blaine Guido, DJ Johnson, Devin Peters and Brad Kong; and managers Taylor Shorey and Jenny Xiang. We congratulate the team on this accomplishment;

(HLS 1037)

Presented by Representative TURNER of Burlington.

Cosponsored by Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative TURNER of Burlington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, the Sentiment and all accompanying papers were **INDEFINITELY POSTPONED.**

##### **In Memory of:**

Peter J. Turner, of New Gloucester, a native of Portland known for his public service. Mr. Turner attended Cheverus High School, graduated Magna Cum Laude from the University of Maine at Portland-Gorham with a degree in accounting and received a Master of Business Administration degree from the University of Southern Maine. He retired from the United States Coast Guard Reserve after 37 years of service in port security, training, recruiting and public affairs. During his distinguished career, he worked at Sears, Roebuck and Company and ITT; he also was chief financial officer at Catholic Charities Maine, adjunct professor of accounting at St. Joseph's College of Maine in Standish for eight years and, most recently, director of administration at the law firm of Robinson, Kriger and McCallum. Mr. Turner served on the boards of many organizations, including as chair of the board of directors of the Church World, chair of the board of directors of McAuley Residence, chair of the board of trustees of Cheverus High School, treasurer of Goodwill Industries of Northern New England and president of the Goodwill Development Board, and he also served on the finance committee of the board of directors of Catholic Charities USA. Mr. Turner will be fondly remembered by his loving family, his many friends and associates and those whose lives he touched;

(HLS 1031)

Presented by Representative ESPLING of New Gloucester.

Cosponsored by Senator SNOWE-MELLO of Androscoggin.

On **OBJECTION** of Representative ESPLING of New Gloucester, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is an honor for me to present a Sentiment in memory of Peter Turner of New Gloucester. I met Peter in my first year of serving on the town budget committee. Peter always came to our meetings with a smile on his face and delightful manner. He served with humility and graciousness. His willingness to work with everyone was apparent. His depth of knowledge and his accounting background was a valuable asset to our committee.

Our committee met a little over a week ago to start the town budget process again and Peter was sorely missed. Peter was the type of person who knew how to get the work done, but did it in such a way that he never forgot about the people. He genuinely cared for and enjoyed getting to know everyone on the committee. I am sure he was like that in all aspects of his life because he so much enjoyed people. Every year, after our budget discussions were over and town meeting was behind us, Peter would invite all the committee members to his house for a get-together. It was his effort to, again, show his love for people. I was never able to go. Looking back I regret the time missed getting to know him and his family better. It's easy to look back but, looking forward, I will remember the example that he gave. He showed by example the importance of taking the time to care about people.

If you were to look up Peter's obituary you would see a long list of accomplishments. First and foremost, his greatest accomplishment was his family. He was married to Marion for 46 years and together they raised 10 children. He was born and brought up in Maine attending local schools and state universities. He was very involved with his church and he really was a shining example of what it means to give back with a record of tremendous community service. Peter will be greatly missed by those who knew and loved him and by those he served in his community and state. Thank you.

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 be remiss if I did not add my condolences to the Turner family as I went to school with them for many years. Thank you.

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

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#### SENATE PAPERS

Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits

(S.P. 641) (L.D. 1846)

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.

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Bill "An Act To Amend the Laws Governing the Governor's Training Initiative Program"

(S.P. 639) (L.D. 1844)

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.

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#### COMMUNICATIONS

The Following Communication: (H.C. 325)

**DEPARTMENT OF DEFENSE, VETERANS  
AND EMERGENCY MANAGEMENT  
33 STATE HOUSE STATION**

**CAMP KEYES, AUGUSTA, MAINE 04333-0033**

Office the Commissioner and The Adjutant General  
February 28, 2012

The Honorable Robert W. Nutting  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Nutting:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 125th Maine Legislature on Wednesday, March 7, 2012 at 11:00 a.m.

Sincerely,  
S/Major General (Retired) John W. Libby  
Commissioner and The Adjutant General

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 326)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 1, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House  
125th Legislature  
State House  
Augusta, Maine 04333

Dear Mr. 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 Criminal Justice and Public Safety from the review and evaluation of the Department of Corrections under the State Government Evaluation Act. In its review, the Committee found that the Department of Corrections is operating within its statutory authority.

Sincerely,  
S/Senator Garrett Mason  
Senate Chair  
S/Representative Gary Plummer  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 327)

**STATE OF MAINE  
SUPREME JUDICIAL COURT  
DOCKET NO. OJ-12-2**

In the Matter of  
Request for Opinion of the Justices  
PROCEDURAL ORDER

On February 29, 2012, the House of Representatives of the 125th Maine Legislature referred three questions to the Supreme Judicial Court, related to the duties and activities of the Treasurer of State. A copy of the House Order setting forth the questions is attached hereto.

The Justices hereby invite the House of Representatives, and all other interested persons, to submit briefs addressing the questions propounded, as well as whether the questions present, individually or together, a "solemn occasion," pursuant to article VI, section 3 of the Maine Constitution.

The House of Representatives and any other persons wishing to submit a brief to the Court shall do so by filing the brief with the Clerk of the Supreme Judicial Court, in Portland, at 205 Newbury Street, Room 139, Portland, Maine 04101, on or before noon on

Friday, March 16. Briefs shall not be longer than thirty pages, double-spaced. Responsive briefs are not required but may be filed by any person who has filed an initial brief on or before Friday, March 23. Responsive briefs shall not exceed ten pages, double-spaced.

To facilitate public and judicial review of all filings, the justices request that, whenever possible, an electronic copy of any hard copy brief also be emailed as a .pdf file to lawcourt.clerk@courts.maine.gov.

The Justices do not currently anticipate further briefing or argument.

Dated: March 5, 2012

For the Justices,  
S/Leigh I. Saufley  
Chief Justice

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Statute**

**Administrator of the Unorganized Territory**

Representative KNIGHT for the **Administrator of the Unorganized Territory** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13" (EMERGENCY)

(H.P. 1368) (L.D. 1847)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

Expression of Legislative Sentiment recognizing Brent M. Boyles, of Mapleton.

(HLS 1019)

Which was **TABLED** by Representative CUSHING of Hampden pending **PASSAGE**.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-407)** on Bill "An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent"

(S.P. 579) (L.D. 1680)

Signed:

Senators:

COURTNEY of York  
HASTINGS of Oxford  
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls

BENNETT of Kennebunk  
BERRY of Bowdoinham  
BICKFORD of Auburn  
FLEMINGS of Bar Harbor  
HARMON of Palermo  
PILON of Saco  
WATERHOUSE of Bridgton  
WEAVER of York

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

Signed:

Representative:

BRYANT of Windham

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-407).**

**READ.**

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-407)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-407)** in concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes"

(H.P. 849) (L.D. 1143)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham  
CLARKE of Bath  
HANLEY of Gardiner  
HASKELL of Portland  
LONG of Sherman  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "C" (H-738)** on same Bill.

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

BLODGETT of Augusta  
BURNS of Whiting  
MORISSETTE of Winslow

**READ.**

Representative PLUMMER of Windham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)** on Bill "An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles" (EMERGENCY)

(H.P. 1212) (L.D. 1603)

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham  
BURNS of Whiting  
HANLEY of Gardiner  
LONG of Sherman  
MORISSETTE of Winslow  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-740)** on same Bill.

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

BLODGETT of Augusta  
CLARKE of Bath  
HASKELL of Portland  
LAJOIE of Lewiston

**READ.**

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

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

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits"

(H.P. 1278) (L.D. 1728)

Signed:

Senators:

MASON of Androscoggin  
GERZOFSKY of Cumberland  
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham  
HASKELL of Portland  
LAJOIE of Lewiston  
LONG of Sherman  
MORISSETTE of Winslow  
SANDERSON of Chelsea

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

Signed:

Representatives:

BLODGETT of Augusta  
BURNS of Whiting  
CLARKE of Bath  
HANLEY of Gardiner

**READ.**

Representative PLUMMER of Windham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank (EMERGENCY)

(H.P. 1313) (L.D. 1788)

Signed:

Senators:

LANGLEY of Hancock  
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel  
EDGECOMB of Caribou  
JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-741)** on same Resolve.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-741)** Report.

**READ.**

Representative RICHARDSON of Carmel moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)** on Bill "An Act Regarding Insurance Adjusters and Reporting Requirements for Insurance Companies"

(H.P. 1305) (L.D. 1773)

Signed:

Senators:

WHITTEMORE of Somerset  
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren  
BECK of Waterville  
FITZPATRICK of Houlton  
McKANE of Newcastle  
MORISSETTE of Winslow  
PICCHIOTTI of Fairfield

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford  
GOODE of Bangor  
MORRISON of South Portland  
TREAT of Hallowell

**READ.**

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

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

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 613) (L.D. 1776) Resolve, To Streamline Forester Licensing Requirements Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-406)**

(H.P. 1316) (L.D. 1791) Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 928) (L.D. 1237) Bill "An Act To Prohibit Bullying in Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-745)**

(H.P. 1220) (L.D. 1611) Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-742)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **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.

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#### CONSENT CALENDAR

##### Second Day

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

(S.P. 585) (L.D. 1720) Bill "An Act To Increase the Membership of the Homeland Security Advisory Council"

(S.P. 602) (L.D. 1754) Bill "An Act To Amend Certain Provisions of Law Governing the Department of Corrections"

(S.P. 528) (L.D. 1618) Bill "An Act To Amend the Laws Governing the Maine Clean Election Act" (C. "A" S-405)

(S.P. 536) (L.D. 1626) Bill "An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program" (C. "A" S-404)

(S.P. 540) (L.D. 1630) Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves (C. "A" S-403)

(S.P. 563) (L.D. 1664) Bill "An Act To Amend the Election Laws" (C. "A" S-402)

(H.P. 572) (L.D. 765) Bill "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired" (C. "B" H-737)

(H.P. 1288) (L.D. 1747) Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY) (C. "A" H-734)

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

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#### BILLS IN THE SECOND READING

##### Senate as Amended

Bill "An Act To Correct an Inconsistency in the Employment Security Law"

(S.P. 614) (L.D. 1777)

(S. "A" S-399)

##### House

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 1303) (L.D. 1769)

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 Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

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At this point, the Senate came and a Joint Convention was formed.

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### In Convention

The President of the Senate, the Honorable Kevin L. Raye in the Chair.

The Convention was called to order by the Chair.

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On motion by Senator COURTNEY from York, it was

ORDERED, that a Committee be appointed to wait upon the Adjutant General of the Maine National Guard to inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communications as please him.

The Order was READ and PASSED.

The Chair appointed the following:

The Senator from York, Senator Collins  
The Senator from York, Senator Sullivan  
The Representative from China, Representative Cotta  
The Representative from York, Representative Moulton  
The Representative from Burlington, Representative Turner  
The Representative from Naples, Representative Cebra  
The Representative from Sanford, Representative Boland  
The Representative from South Portland, Representative Kaenrath  
The Representative from Auburn, Representative Bolduc  
The Representative from Biddeford, Representative Casavant  
The Representative from North Yarmouth, Representative Graham  
The Representative from Farmington, Representative Harvell

Subsequently, Senator COLLINS from York, for the Committee, reported that the Adjutant General of the Maine National Guard would attend forthwith.

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The Chair welcomed to the Convention the Adjutant General of the Maine National Guard, accompanied by the Honorable Major Kenneth Fredette of the Maine Air National Guard.

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The Chair recognized in the House Gallery the members of the Army and Air National Guard as well as the Department of Defense, Veterans and Emergency Management.

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The Chair requested the Adjutant General of the Maine National Guard, Major General Libby, to please step forward and address the Joint Convention.

Adjutant General **LIBBY**: President Raye, Speaker Nutting, members of the 125th Legislature, fellow service members, family and friends. I'm often asked when I speak at occasions how I should be introduced and I generally tell people, tell them that I was born on a snowy Christmas Day in Lewiston, Maine. I grew up a Blue Devil and a Black Bear, and that's all you need to know about me.

Growing up in Lewiston, my father was a sports announcer and owned a radio station, WCOU. As my military career progressed, Dad offered me some advice on public speaking. He said, "Be sincere, be brief and be seated." Two out of three isn't bad. I will be sincere and I will be seated today.

I know many of you and some of you I don't know well. Let me say at the outset, if my tone sounds casual this morning and even irreverent, it's a reflection from my standpoint of a relationship that I think I have and our department has with this body. So please take it in that fashion.

I am here today by invitation of President Raye and Speaker Nutting to "update you on matters concerning the Department of Defense, Veterans and Emergency Management and any other matters that I may care to bring to your attention."

LD 1639, An Act To Allow The Adjutant General To Address a Joint Session of the Legislature, was presented by Representative Fredette of Newport and cosponsored by Senator Hastings of Oxford and others. Frankly, I don't know what Representative Fredette was thinking in presenting this bill but perhaps Representative Fredette, a Major in the Maine Air National Guard, can reconsider his motivations during his deployment to Afghanistan, which I am announcing this morning. And as for Senator Hastings, I can only conclude that during my time at Fryeburg Academy, back in the mid '70s when I was the dean of students, I was guilty of dispensing some serious discipline to a member of the Hastings family and this is my retribution for it.

Before I begin my formal remarks this morning, I must discharge my customary tradition with the Legislature and that is the presentation of offerings. For Senator Raye, I bring you, sir, a jar of my mother's green tomato relish which my wife and I made this summer. It troubles me to say this, but we find mustard a poor condiment on hamburgers. For the Speaker, I bring my highly coveted oatmeal-butterscotch cookies for you. And since I couldn't bake for the entire Legislature I will leave these cookies here for the pages, who I consider your representatives today as far as my baking is concerned. And yes, Representative Cain, I do bake these cookies.

For those of you who may not be aware of the story, my wife testified last year before the Appropriations Committee on matters concerning the community counseling center where she is on the board of directors, and the only question that she was asked by Representative Cain was "Does your husband bake these cookies?" On my next appearance before Appropriations I failed to bring them because you questioned my integrity. However, as a fellow Black Bear....

Let me begin by saying that in my military career there have been many highlights but the opportunity to address this body on this day ranks very highly among them. It will be a difficult morning for me, personally and professionally, so please bear with me.

I was a plebe at West Point on May 12, 1962 – you don't have to do the math, I'm 68 – when General Douglas MacArthur returned to West Point to make his final address, an 82-year-old soldier, to the Corps of Cadets. He stated, in part, "Today marks my final roll call with you. I want you to know that when I cross the river my last conscious thoughts will be of the Corps and the Corps and the Corps." Frankly, it was heady stuff for an 18-year-old kid from Lewiston, Maine, and it's a moment that I will always cherish.

And with all due respect to the General, while this marks my final roll call with this body, I can assure you that when I cross the river, my last conscious thoughts will not be of the Legislature and the Legislature and the Legislature.

My resignation from my position as the Commissioner of the Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard comes a few months earlier than I had anticipated. I think as many of you know, my wife, Cindy, broke her hip in November and yes the incident did involve ice, skates, a stick, pucks and granddaughters. Her recovery, frankly, has been a little longer, a little more difficult than either of us anticipated and it caused me to reflect on the 44 years that she has supported my career and covered my back. I could only conclude that leaving early to assist her in her recovery and cover her back was the right thing to do.

Cindy is here in the balcony with me today. She represents, in my mind, all military spouses who support their service members' careers. I want to publicly acknowledge her support

and love in the 44-year journey that we've enjoyed to this particular point. Please join me in recognizing my wife Cindy. Incidentally, I do have a pair of size 9 women's hockey skates that are for sale.

The Department of Defense, Veterans and Emergency Management is composed of two bureaus, one agency and one authority: the Military Bureau, the Bureau of Veterans' Services, the Maine Emergency Management Agency and the Maine Military Authority.

I will speak in detail about the Military Bureau, the Maine Army and Air National Guard in a bit, but first let me first focus on the other bureaus, authorities and agencies in the Department. The Bureau of Veterans' Services is directed by Peter Ogden. It provides services and assistance to Maine's 154,000 veterans in obtaining their state and federal benefits. Let me pause on that number for just a minute. One-hundred and fifty-four thousand, that's 16% of our population are veterans. At any given time, we're either number 1 or number 2 in the country with regard to the percentage of Mainers who are veterans. We don't tend to think of ourselves as a state with a strong military tradition, but in fact we are. I keep telling those 154,000 guys and gals we could elect our own governor. But, not unlike this body, we have a hard time coming to consensus at times about things like that.

Pete runs seven field offices around the state, the claims office at Togus. Last year, they processed almost 2,000 awards and brought to the state \$60 million in veterans benefits. Peter runs the cemetery system – something that we would desperately like to get Brigadier General Don McCormack and the bureau to look at – two cemeteries in Augusta, one in Springvale, and one in Caribou.

I think the thing that Peter and I enjoyed the most in the last eight years is the program that this Legislature has supported, the Honoring a Veteran From a Grateful State Program, where we get the opportunity to go around the state and recognize veterans. To date, we've given out 250 Maine Gold Star medals to families of veterans who were lost in combat; 1,245 Silver Star medals to veterans who were wounded or were POWs and that number includes 195 former POWs in the state. Our work is not complete and I would ask you, if you know of veterans or their families who fall into those two categories, that you let us know who they are so we can continue that initiative.

The Director of the Maine Emergency Management Agency is Rob McAleer. It's an agency I formerly directed. Its mission is to lessen the effects of disasters, natural or manmade, on the state and its people through a program that includes the 4 phases of emergency management: mitigation, preparedness, response and recovery. The highlight of my time – or lowlight of my time depending on how one looks at it – in my tenure at MEMA was the ice storm when Governor King reminded us that if we looked left and right, took care of our neighbor on the left and took care of our neighbor on the right, everyone would be taken care of. It was a time of discovery, I think, for a lot of us in neighborhood, in caring about neighbors. You all know all disasters are local. You know it better than I do because you represent those local jurisdictions. But local resources disappear very quickly in flooding, in ice storms, in hurricanes, and local communities have to turn to the county, the state, and ultimately the state to the federal government when necessary.

In addition, Rob runs a number of programs that may be transparent to you but are worth mentioning this morning. The State Emergency Response Commission which trains our firefighters to deal with fires that involve hazardous materials in some of our industrial sites, the Riverflow Advisory Commission which interestingly deals with both the threat of flooding and the threat of drought, the Dam Safety Program and Rob is

responsible on a day-to-day basis for Homeland Security operations in the State of Maine.

Our CEO of the Maine Military Authority is Tim Corbett. The Maine Military Authority was founded in 1997 at the former Loring Air Force Base as the Maine Readiness Sustainment Maintenance Site. We were under a Cooperative Agreement. They reimbursed us for costs only to rebuild Humvees for the National Guard Bureau. In 2000, we convinced this body to create the Maine Military Authority which gave us the ability to contract beyond the National Guard Bureau to do work. Today we have 200 employees, a \$14 million payroll, and we partnered with a number of interesting partners to include our own Department of Labor and Department of Education as we started our school bus rebuilding program in Loring.

Now let me try and focus on what I believe was Representative Fredette's primary intention, the Maine Army and Air National Guard. And let me begin by saying, we are the 1%. It's a number that we throw around now, but we are the 1%. Seventy percent of the youth in this nation cannot serve in the military, either by virtue of their lack of education, their inability to meet physical standards or a police record, and that, to me, and I hope to you, is a distressing number. Seventy percent of that target audience that we look at, 17 to 24-year-olds, are ineligible to serve in your military. Ninety-seven percent of those who are eligible choose not to and less than 1% wear the uniform. We are the 1%.

Let me frame my comments about the Guard by reminding you that I am a son of a World War II Veteran and my call to service, frankly, was listening to my dad and my uncles at Sabattus Lake in the summers in Wales, Maine, talk about their World War II experiences. They didn't talk about the war; they talked about the "brotherhood." I remember as a young man thinking I want to experience that, which led me to West Point where I spent a year – I tell people I prepped for Orono, Emily, at West Point – the University of Maine where I got my commission out of the ROTC Program, and directly on to Vietnam.

When I returned from Vietnam in 1969 I didn't realize at that time that I'd been part of a war that would forever change how this nation mobilizes and deploys in future conflicts. In effect, the first couple of years of my life have dictated exactly what the last 10 years of my career were going to look like.

Historically, with the exception of Vietnam, the Reserve Components have played a major role in every war. In World War I, 17 of the 43 divisions were Guard Divisions; in World War II, 18 divisions in both the Pacific and European Theaters; 138,600 soldiers in Korea and virtually none in Vietnam. And there are many of us who believe that omission of the use of Reserve Components, specifically the Guard in Vietnam, directly was responsible for the overuse of the active components and the lack of support that this nation gave to that particular conflict. As a result, General Creighton Abrams, who was the last Commander in Vietnam and became Chief of Staff of the Army upon returning, implemented a policy called the Total Force Policy, which embedded in the National Guard and Reserves capability that the Army needed if it ever went to war again. He deliberately embedded that capability in the Guard and Reserves. Today, 53% of the combat power in the military is in the Guard and Reserves. That policy became known as the Abrams Doctrine.

And with the deployment of our armed forces during Desert Storm/Desert Shield in the early '90s, the National Guard again became the significant player. In Maine, we mobilized soldiers from the 286th Supply & Services Battalion and the 3620th Transportation Company.

After the attacks on the United States on 9/11, and subsequent operations in Iraq and Afghanistan, we have deployed 3,300 members of the Maine Army and Air National Guard. And as I speak to you this morning, we've got 160 deployed in places like Afghanistan, Kuwait, Qatar and Kyrgyzstan, and 94 on active duty in Bangor. Let me pause on those 94. This nation does not go to war without the 101st Air Refueling Wing in Bangor. We are served magnificently for a change by our geography. As I sit at the lake in the summer on a Sunday afternoon and watch the contrails of those aircraft coming from Europe, you begin to realize that we are the last point or the first point returning on the Great Circle route. And the 101st Air Refueling Wing dispenses more – I think it's JP-8, guys, help me here – JP-8 than any air refueling wing in the Air Force. And that, in large part, in my judgment, is why we are not one of the 33 states that have been identified to lose aircraft in the next round of cuts that the Air Force will enjoy. We're that critical to the nation.

Within the next six months, we will deploy our Medevac Company for the third time, a contingency contracting team, a public affairs detachment, our MP Company from Waterville for the second time from the Army National Guard, and the 101st Security Police from the Air National Guard. So our tempo continues, despite the fact we've withdrawn from Iraq and our troop strength is coming down in Afghanistan.

The transition of the National Guard from a strategic reserve to an operational force which was set in the aftermath of the Vietnam conflict is now complete.

Let me report to you that the state of the Guard is good. Despite fighting for over a decade in Iraq and Afghanistan, our overall strength is in the high 90s. Maine has always shared its sons and daughters with the military when it called and this conflict is no different. As I tell our World War II veterans, when I get the opportunity to speak to them, they are the greatest generation but we are being served by another great generation of warriors, all of whom are volunteers, and never before has this nation fielded an all-volunteer force that fought in two simultaneous wars until Iraq and Afghanistan. They are indeed a great generation.

Congress has been generous in support of us as evidenced by programs like the Family Support Program. When my first unit went out the door I had a family support person, Barbara Claudel. And now I'm blessed with two dozen full-time people: directors of psychological health, social workers, financial planners, youth coordinators, all of whom provide support to our men and women and their families. Congress created the Survivor Outreach program which allows us, requires us, mandates us to reach out to the families of the fallen, to stay in touch with them and their sacrifice, and provide them the support they need in the aftermath of their loss. And the employer support to the Guard and Reserve program. In a state like Maine, which is predominantly a state of small businesses, we need to embrace our employers and support our employers because, frankly, this is no longer a one weekend a month, two weeks in the summer job. And without the support of our employers, we cannot get it done.

The support of our Governors during this decade has been magnificent and Governor LePage and the First Lady are no exception to that tradition that we established first by Governor King and continued by Governor Baldacci. They have always attended funerals, sendoffs, welcome home events, Freedom Salute ceremonies, and made those difficult first calls to families. Governor LePage has created the Maine Military and Community Leadership Council by executive order, a stakeholders group of public and private sector people whose job it is to ensure that our

soldiers, air men and women, and their families are supported properly. The Governor meets, as Governor Baldacci did, on a quarterly basis with our veterans so that he can stay attuned to their concerns, and the First Lady has adopted military families as her focus during her time in the Blaine House.

The support of the Legislature during this same time has been exceptional. While a majority of our money, the overwhelming majority of our money, comes from the federal government, your support to our organization has manifested itself in many different ways, including allowing me, on behalf of the men and women I represent, to address you this morning. While there is always a risk at singling out one example of support, I feel I must this morning. Perhaps the most visible symbol of support for men and women from Maine who currently serve is the Yellow Ribbon license plate, and I want to personally and professionally thank Representative Don Pilon, who was singularly responsible for that piece of legislation and raising the money required to create that plate and providing a gift that keeps on giving. Thank you very much, sir. I had the opportunity to talk to Don this morning – Don, I think I can call you Don on my last nine days. I had the opportunity to talk to Don this morning and we will recognize him formally at our Family Support Conference at the Samoset in April, because those indeed are the people who benefit daily from your effort in this regard. Thank you so much, sir.

Maine has also lost 51 sons and daughters who were serving on active duty at the time of their death. The Maine National Guard lost 8 of them. I'd like to read their names this morning. Staff Sergeant Christopher Gelineau, April 20, 2004. Staff Sergeant Lynn Poulin, December 21, 2004. Staff Sergeant Thomas Dostie, also December 21, 2004. First Sergeant Michael Jones, March 3, 2005. All members of our 133rd Engineer Battalion. Staff Sergeant David Veverka, May 6, 2006. Staff Sergeant Dale Kelly, also May 6, 2006. Captain Pat Damon, June 15, 2006. And Sergeant Richard Parker, June 14, 2007. The dog tags of these fallen warriors and the rest of the 51 hang in the Hall of Flags on the Battlefield Cross Memorial, and I encourage you as you pass that memorial in the course of your business you be reminded of their service and their sacrifice.

Now, in closing, let me take advantage of the phrase in the invitation from the Speaker and the President that says I may address you on "other matters that I care to bring to your attention." Let me speak about my lane, the military. The role of the Guard is being debated as we speak. I think we're all aware of the fact that the Department of Defense has been directed to find \$487 billion of savings in the next 10 years, and as a result of the absolute lack of activity on the part of the Super Budget Committee, they may be forced to find an additional \$500 billion in the next 10 years. There are some of us, and I number myself among them, who feel that \$1,000 billion in 10 years really affects the viability of the Department of Defense, and I trust that Congress will solve the problem that the Super Committee didn't solve. But there is a great debate taking place right now about the role of the Guard and Reserve in the future and that debate surrounds the notion of us being a militia nation, a nation with a small standing military and a large Reserve component. And I say to those who sit in the audience here today in the balcony and to whomever will follow me in my chair, be careful of that ground. While it rings very nicely constitutionally, in a small state like Maine with small businesses who have been at this for 10 years, we may have hit the limit of what we can do. But the debate will take place in Congress and the decisions will be made in Congress, but it is indeed an interesting time as the future role of the Guard and the Reserve take shape.

And a couple parting thoughts about your lane. Like you, I suspect, I never liked when I was growing up when old people reminded me that things were better in their day, but since I'm one of those old people now, let me speak to you about things being better. When I came back from Vietnam in 1969, this country was a mess. We were horribly divided over that conflict. There had been a wave of violence that had taken the lives of President Kennedy, his brother Robert, and Martin Luther King. But despite all of that turmoil at that time, our government at the national level still functioned. The giants of the day – and I remember Tip O'Neill and Scoop Jackson and those kind of guys – they drank together at night, they played golf together on the weekends and they worked across the aisle together in the Congress, and things got done. They came and went, but none of them went in the fashion that Senator Olympia Snowe has chosen to go this week, and I want to talk about that for just a minute.

I read her remarks that she made in Portland on that day when she made her announcement. She said the electorate is becoming increasingly divided in red states and blue states, which elect people representing just one color or the other. She went on to say we are becoming more like a parliamentary system where everybody simply votes with their party and those in charge employ every possible tactic to block the other side. She will leave. In her absence, the Senate will survive. But I stand before you today wondering what it says about the state of politics in Washington, D.C., when somebody of the caliber of Olympia Snowe decides that the U.S. Senate is no longer worth her time and her effort. That's the part I think we should all worry about.

A couple of quick observations as I close: One of my greatest disappointments in this session, and I will apologize to you in advance for saying this, was the day the Governor announced his plan to close the budget shortage in the Department of Health and Human Services. I would have loved to have seen leadership stand in front of those stairs in the Hall of Flags and say we absolutely agree with the Governor's conclusion that this state is on an unsustainable fiscal path, but we fundamentally disagree on how we close that gap. But that's why you were elected and that's what you need to do.

One of my heroes in life, and we all have those people we look up to, is Colin Powell. If you haven't read his book, *My American Journey*, I commend it to you. It's a great leadership manual guys and gals in the balcony and they hear me talk about Powell all of the time, but I want to quote a couple of rules that I think apply in this place that General Powell talked about. His third rule: "Never let your ego get so close to your position that when your position fails your ego goes with it." I don't think I need to elaborate any on that.

And now allow the General his Rush Limbaugh moment, although I will tell you I am simply quoting General Powell. Powell's first rule is: "Sometimes being in charge means pissing people off." And ladies and gentlemen, what that suggests is whether you are in charge of the Maine National Guard, the 25th Senate District in the Maine Legislature, or you're a selectman in the town of Sidney where Cindy and I live, leadership is all about taking care of the collective. And in doing that, you don't always please everyone and there is no group in this body who understands that better than the Appropriations Committee. It's a tribute to the work that they do that they were able to produce a document that was unanimously passed, a document that no one would have written, a document that had something for everyone to like and hate, but we were able to get it done.

I respect your institution, I dislike the process but I'll die to defend it. I have great respect and admiration for all of you in

what you do. You have shown in the last two sessions that the spirit of compromise is not dead in Maine and one could only hope that there is some validity in the phrase that "As Maine goes, so goes the Nation." We do what we do so that you can do what you do. Continue to do it well. Listen again to what I said. I didn't say do it well; I said continue to do it well because you are doing it well. I thank you for the opportunity to be here today and may God bless the United States of America.

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The Chair invited the Speaker of the House to join him at the rostrum to present the Adjutant General a Joint Resolution in honor of his retirement and extraordinary service to the people of Maine.

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The Adjutant General withdrew amid the applause of the Convention, the audience rising.

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The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

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The Senate then retired to its Chamber amid the applause of the House, the audience rising.

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(After the Joint Convention)

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The House was called to order by the Speaker.

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On motion of Representative ESPLING of New Gloucester, the House adjourned at 11:53 a.m., until 10:00 a.m., Thursday, March 8, 2012 in honor and lasting tribute to Edward Wayne Turner, of Hermon and Peter J. Turner, of New Gloucester.