

# 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  
33rd Legislative Day  
Thursday, March 22, 2012

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

Prayer by the Honorable Bernard A. Ayotte, Caswell.  
National Anthem by Gary Crocker, West Gardiner.  
Pledge of Allegiance.  
Doctor of the day, Barbara Covey, M.D., Oakland.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act To Provide a Temporary Registration Plate to Certain Members of the Armed Forces"

(S.P. 672) (L.D. 1896)

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

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

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**Non-Concurrent Matter**

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area (EMERGENCY)

(S.P. 630) (L.D. 1822)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on March 20, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1308) (L.D. 1783)

(C. "A" H-759)

**FAILED** of **FINAL PASSAGE** in the House on March 19, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759) AND SENATE AMENDMENT "A" (S-459)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

(H.P. 1219) (L.D. 1610)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** thereto in the House on March 13, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755) AND SENATE AMENDMENT "A" (S-450)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities"

(H.P. 1400) (L.D. 1897)

Sponsored by Representative BEAULIEU of Auburn.

Cosponsored by Senator FARNHAM of Penobscot.

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

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Cony High School Girls Basketball Team, who have won the 2012 Eastern Class A Championship: captain Julie Arbour, captain Amelia Diplock, captain Bethany Elwell, captain Melanie Guzman, captain Heather Leet, Josie Lee, Emily-Dale Sanford, Olivia Deeves, Alyssah Dennett, Bayleigh Logan, Emily Quirion, Hayley Quirion, Lindsey Quirion, Abby Wormell, head coach Karen Magnusson, assistant coach John Dennett, assistant coach Melissa Sawyer, manager Mary Campbell and manager Shayna Perkins. We send our congratulations and best wishes to the members of the team on this achievement;

(HLS 1068)

Presented by Representative FOSTER of Augusta.

Cosponsored by Senator KATZ of Kennebec, Representative BLODGETT of Augusta, Representative MALONEY of Augusta.

On **OBJECTION** of Representative FOSTER of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my pleasure today to rise and recognize Cony Girls' Varsity Basketball Team on being named the 2012 Class A Eastern Maine Champions. With an undefeated record of 21 wins, the girls surpassed their opponents with tenacity and fearlessness. In watching these girls from the sideline, it is very evident that they have a strong friendship. They work together as a team and not for individual accolades. They have raised the bar for others to follow and I am confident we will be reading more about the Lady Rams' successful season again next year.

This team won the Kennebec Valley Athletic Conference Class A Championship with many of the girls being selected for All-Conference and All-Academic teams.

Furthermore, I want to send congratulations to their Coach Karen Magnusson who was named the Kennebec Valley Athletic Conference Coach of the Year. She has done a tremendous job in her short tenure, although not new to Cony basketball. Karen was a star in her own right when she played high school ball at Cony.

At this time, Mr. Speaker and Ladies and Gentlemen of the House, I would also like to recognize three other students who are also in the gallery. Lindsey Folsom who is the Kennebec Valley Athletic Conference and Maine State Indoor Pole Vault Champion; Connor Dufour who is the Eastern Maine Wrestling Champion for the 132 pound weight class; and Thon Itthipalakorn who is the Eastern Maine Wrestling Champion for the 145 weight class. All these student athletes are to be commended for their efforts on and off the court, the mat or the field. Thank you very much for coming today and gracing us with your abilities and we wish you success as you go further down the road. Thank you very much.

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

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-802)** on Bill "An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed"

(H.P. 1277) (L.D. 1727)

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

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.

**CONSENT CALENDAR  
First Day**

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

(S.P. 552) (L.D. 1653) Bill "An Act To Make Fisheries and Wildlife Projects Eligible for Tax Increment Financing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)**

(S.P. 558) (L.D. 1659) Bill "An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-455)**

(H.P. 256) (L.D. 323) Bill "An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-803)**

(H.P. 1368) (L.D. 1847) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-804)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS  
Emergency Measure**

An Act To Permit the Department of Marine Resources To Develop and Establish a Seafood Export Certification Program

(S.P. 553) (L.D. 1654)  
(C. "A" S-449)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education

(H.P. 1300) (L.D. 1766)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution  
Public Land**

Resolve, Regarding Access to Eastern Road in Scarborough

(H.P. 1340) (L.D. 1817)

(C. "A" H-770; H. "A" H-799)

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

Representative DAVIS of Sangerville **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 260**

**YEA** - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

**NAY** - NONE.

**ABSENT** - Celli, Cotta, Haskell, Kent, Stuckey.

Yes, 145; No, 0; Absent, 5; Vacant, 1; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Amend and Clarify the Public Charter School Law  
(S.P. 607) (L.D. 1762)

(S. "A" S-451 to C. "A" S-422)

An Act To Encourage Parental Involvement in Education  
(S.P. 609) (L.D. 1770)

(C. "A" S-448)

An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State and To Clarify the Laws Concerning the Civil Violation of Trespass by Motor Vehicle

(H.P. 1310) (L.D. 1785)

(C. "A" H-766)

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

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

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

**Resolves**

Resolve, Directing the Maine Economic Growth Council To Develop the Maine Prosperity Action Plan of 2012

(S.P. 444) (L.D. 1437)

(C. "A" S-447)

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

An Act To Restore Maine's Secondary Roads

(S.P. 421) (L.D. 1367)

(C. "A" S-452)

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

On motion of Representative CEBRA of Naples, was **SET ASIDE**.

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

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

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

An Act To Strengthen the Relationship between Land Users and Landowners

(H.P. 1222) (L.D. 1613)

(C. "A" H-793)

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

On motion of Representative DAVIS of Sangerville, was **SET ASIDE**.

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

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

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

**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.

**HOUSE DIVIDED REPORT** - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-711)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change Document Filing Fees for County Registries of Deeds" (EMERGENCY)

(H.P. 1137) (L.D. 1550)

**TABLED** - February 23, 2012 (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-711)** was **READ** by the Clerk.

Representative MOULTON of York **PRESENTED** **House Amendment "A" (H-806)** to **Committee Amendment "A" (H-711)**, which was **READ** by the Clerk.

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

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is one of two that have been going through the chamber, the last one the Chief Executive, 1616, signed last Friday. This amendment concerning registry filing fees authorizes the county commissioners to set a rate for the first page of documents to be reported at a rate not to exceed \$19. That is a change from the last change in registry filing fees which was approved through the 122nd Legislature. In addition, there is also authorization for the county commissioners to change the filing fee for plans, such as plans by surveyors, subdivision plans and the like. The registries receive basically three sources of revenue, one of which is 10 percent of the \$4.40 per 1,000 transfer tax fee. Registries receive about 10 percent of that. Obviously, with the recession, those revenues are down. The other two sources of fees are through copy fees, which was the subject of the other piece of legislation, and, today, registry filing fees. With the recession and the need to set reasonable copy fees, the registries are still at a disadvantage which is why the committee strongly endorsed this piece of legislation, which we hopefully will amend and send on.

The figures showing how the finances have been impacting the registries were given to your desks on Tuesday of this week and I don't need to repeat them. As a reminder to the body, besides the source of revenue through registry operations, there is a minor amount of money that comes in through probate, and also, Mr. Speaker, the commissioners have the ability to take the rest of county operations and provide an overlay tax to the municipalities and it ends up in your and my property tax bill. In York County, with the recession and because of the changes in copy fees, York County has had to increase the amount of overlay tax from 70 percent and now it's up to 87 percent, which puts us in a very unique position when we're discussing the policy aspect of this. We're talking about a user fee. Some people equate this for good reason as a form of tax. The disadvantage, in this case, is that without this change, then in many cases county commissioners are going to turn around and apply a difference to offset the imbalance in county operations. This is unfortunate. It's sort of a lose-lose situation. So for those of you who dislike voting for changes that can result in an increase in fees, I'm sorry. The amount, as you've seen on your desk in support of this, shows that the State of Maine is reasonable compared to other states and it is one of the few times when a user fee is actually paid for by the people who benefit from that fee instead of the general taxpayer. So with the change of this amendment, the people actually making the decision will be county commissioners and they have supported this bill, and in conversation with them, I can report to this body, Mr. Speaker, that they are in support of the change.

The other policy aspect of this is that the registries produce a surplus and except for a document preservation fee which is separate from this, which is a dedicated fee used by the registries to preserve ancient documents going to the days even before Moultons arrived in York, which has been awhile but not long enough for some people, Mr. Speaker. In any event, those fees go to the county commissioners to operate county government and the services provided through county government. The unfortunate part is, yes, they produce excess revenues. The problem is county government is also subsidizing some state services. It's a mismatch of accountability, who pays the bill and who benefits. So the short of it, Mr. Speaker, is that we are strongly encouraging the members to support the amendment and the bill to send it off and wish for its passage. Mr. Speaker,

when the vote is taken, I would like to request the yeas and the nays. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** the **House Amendment "A" (H-806)** to **Committee Amendment "A" (H-711)**.

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 Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment because it accomplishes what the original bill does with a little wiggle room. Originally, we wanted and the counties essentially wanted to raise it by a flat fee, \$6, to record a deed or a mortgage. The reason we record deeds and mortgages and that sort of thing is to protect our interests so the public knows we own a piece of property and it cannot be challenged by someone else. So we call this a user fee because it's just when a person purchases a piece of property that they want to have it recorded. They don't necessarily have to, but everybody really recognizes the importance of that. So we pay a fee and those fees help support county business. The county business, as the Representative from York mentioned, is not something that we have a choice about. We have the responsibility for deeds, probates, sheriffs, jails, etcetera. So if there is not enough money coming in, obviously they have to raise the budget, and where you see it is in your property tax bill. So it seems that this is a fair way for those who use the system to pay their way and as often as most of us need it. It's a very rare occasion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-806) to Committee Amendment "A" (H-711). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 261

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Giliway, Goode, Graham, Hamper, Hanley, Harlow, Harvell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Wood, Mr. Speaker.

NAY - Guerin, Harmon, Waterhouse, Winsor.

ABSENT - Casavant, Celli, Cotta, Haskell, Kent, Stuckey.

Yes, 140; No, 4; Absent, 6; Vacant, 1; Excused, 0.

140 having voted in the affirmative and 4 voted in the negative, 1 vacancy with 6 being absent, and accordingly **House Amendment "A" (H-806)** to **Committee Amendment "A" (H-711)** was **ADOPTED**.

**Committee Amendment "A" (H-711)** as Amended by **House Amendment "A" (H-806)** thereto was **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" (H-711) as Amended by House Amendment "A" (H-806)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-774)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-775)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste"

(H.P. 646) (L.D. 879)

TABLED - March 15, 2012 (Till Later Today) by Representative HAMPER of Oxford.

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Walsh Innes.

Representative **WALSH INNES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion for LD 879. Should you support this motion, you would be voting today to authorize commercial expansion of landfill facilities in Maine.

Our current law has stood for over 20 years because it was written to protect the people of Maine, who were told that once the currently existing landfills were filled up, they would be closed.

Expanding commercial landfills will allow for more out-of-state waste, as we legally can't stop them from exporting/importing it. Some proponents will say that allowing for expansion of commercial landfills is needed to prevent a monopoly by Casella. Some people will claim that Waste Management's Crossroads Landfill only takes very minimal waste from out of state. What is not being stated very loudly is that the fact tables that have been shared only list receipts received by the facility for out-of-state waste.

Due to changes in the definition of "Maine-generated waste," any waste that is "processed" at a sorting facility or incinerator in Maine becomes defined as Maine waste, and does not require a receipt at a landfill for being an out-of-state waste.

According to a 2010 SPO Report, the State Planning Office, Waste Management imported 59,793 tons of Alternative Daily Cover and Special Waste from out of state in 2010.

Waste Management's 2010 Fill Rate was 284,335 tons, so imported trash makes up over 20 percent of the waste. The Majority Report for LD 879 creates incentive for Waste Management to import more waste.

This is special interest legislation designed for one company. Creating a law for just one company contributes to the anti-competitive business environment in Maine. If you're looking for another reason not to support this motion, how about the fact that Maine picked up ownership of a second landfill last year, the Dolby landfill, that we are on the hook for, that needs \$250,000 each year to operate, with potential closure costs of up to \$17 million. Dolby became inconvenient for the company that owned it, and the best business decision for them was to have the State of Maine take it over and pay the closure costs that they were responsible for. This would make for a better sale, less trouble, less mess and expense for the new buyer. Somehow the assurance money for closure never materialized, and it's our problem now.

How do we know that if we authorize expansion of more landfills, commercially run, that they also won't decide in the future that the liability and fiscal responsibility for the pending closure will be too great a burden and give it to the State and its taxpayers as a gift?

I know that in this time and place, Maine unfortunately still needs landfills to throw our trash into, because we are not doing enough to create an alternative. We know that there are other options out there, including removal of organics from the waste stream and stimulating new markets for waste material.

I do not support this motion because these alternatives to landfills are not a priority for the second floor, or maybe this body, even though they've been discussed to death for years. Ironically, it has been the State Planning Office that in the recent past has suggested ways to increase our recycling, by removing certain waste streams from landfills. Now with the dismantling of that office, apparently no one is willing to work progressively on the issue of what to do in the future for Maine's waste, besides landfilling, our cheapest option so far.

I guess I'm waiting for the day when some businesses in Maine, like Auburn's Ewaste Recycling already have, realize that there is money to be made in collecting products at the end of life, and remaking them into new products. If Maine keeps landfills cheaper than any other option, these new markets will never develop.

Let's also not forget the people that live near these facilities, the ones that have been told that we have a law here in Maine that will stop expansion of the landfills when they are full. These Maine citizens sit in committee and listen to us discuss this issue over and over, and we always end up creating or acquiring more landfills and now, moving to expand current ones for commercial gain.

I urge you to think of how these citizens feel when we just go and change the law because it is more convenient than thinking of other ways to deal with waste than landfills. I urge you to think about the potential costs that these landfills have and can potentially have for the taxpayers of Maine when we end up taking up the costs at the end of life, when their commercial profit is spent.

Before I finish, I will say that there are some positive components in LD 879 that would strengthen the public benefit determination rules to give citizens more voice in these matters going forward. Should you decide to follow my light on this motion, you would still have another chance to put those strong citizen protections into law. I personally believe that this state can do better than to continue to bury food, paper, glass, metals, and toxic materials in what amounts to be a large trash bag buried in the ground. I urge you to reject the majority report and follow my red light. I believe the citizens of Maine would like to know who supports allowing more out-of-state waste to fill up our landfills, and for that reason, Mr. Speaker, I kindly request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to briefly explain why I supported this bill. I originally voted against the bill in committee and agreed that if we could at least get some language in the bill that said that we would promote the solid waste management hierarchy, that I would support it. This

language was included in the Majority Report and ecomaine agreed that this was the best legislation that we could get given the strong support for the underlying legislation. I trust that ecomaine cares as much about the wasting problems, maybe more than anyone. If you don't believe me, talk to Kevin Roche who is the general manager of ecomaine for about five minutes, maybe one minute, and you will see what I mean.

Before I say – I would never say that I support landfills. I don't think that anyone here does. I support recycling and trying to use as little of our precious environment as possible. I ride a scooter – no, not to Augusta but when I'm in Portland. I recycle as much as possible, try not to waste, carry reusable water bottles, use cloth bags at grocery stores, reusable cups most of the time, although not on Tuesday. But you get my point and I'm sure many of you do the same; however, I do also throw trash away as does every person in this chamber.

I remember sitting in committee last year, that's the Environment and Natural Resources Committee, and looking around the dais and realizing that I did not see one reusable cup. I was intending to bring a reusable cup but I kept forgetting, and it was that day that I realized that I had to start bringing it because I couldn't continue to waste a cup a day and still vote in favor of product stewardship bills, recycling, etcetera without feeling like a hypocrite. So until you stop throwing away those coffee cups, tea cups, snack wrappers in committee, we will need landfills. It's nice to say that we are standing against something for moral reasons; however, before you do that, I implore you to look at your own habits. If you throw away trash, you are part of the reason we unfortunately need landfills. So while you toss your tea cup or snack wrapper this afternoon in your committee meeting, think twice. Maybe next time we won't need a landfill expansion if you take small steps now. Let's stop talking the talk and walking the walk. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My seatmate said that some people would assert that we didn't want to create a monopoly in the state and I'm that some people. The policy that was spoken of earlier was really a very good policy. It's been around since 1989 and I really miss it. It actually died in the 1990s, but we didn't find the body until about eight years ago. In an austerity move back in about 1995, the King Administration eliminated the Waste Management Agency and moved the responsibility but not the resources over to the State Planning Office. Over time, we streamlined some of the original policy and finally about 14 years after the policy was created, the 121st Legislature authorized the creation of the first state-owned landfill and then signed a 30-year contract with a private operator and turned over the keys. So for several years we have been neither managing waste nor controlling operations of our own landfill. We broke the 1989 policy years ago.

So here's the situation: We don't manage and we signed away the operating rights for our own landfill for 30 years to a vertically integrated private monopoly. Is there any way we can make this worse? Yes. We can eliminate all remaining marketplace competition for the unregulated monopoly we have created. This is ironic. Our policy is closing the landfill that is not the final resting place for most of the waste coming into this state. It is essentially the municipal landfill for about 40 western Maine communities. It is a competitive alternative for private haulers in southern Maine. Many small businesses rely on having alternatives in waste disposal in the state in a competitive marketplace. The irony is our policy is so broken, almost all the trash that comes to the state from Massachusetts actually ends

up in the state-owned landfill that isn't supposed to take it. Roughly 13,000 trucks a year cross the border in Kittery to come into Maine. Most of that waste, after it's burned or processed, ends up in the state-owned landfill that doesn't take out-of-state waste.

Now the other part of this bill that's really the critical piece of this bolsters the one tool we do have for controlling out-of-state waste. States, out of the Commerce Clause of the Constitution, cannot regulate interstate commerce in trash. The Supreme Court decided that. We can't ban out-of-state waste, but we do not have to permit a facility that doesn't have a public benefit for the people who have to live with it. It's called a public benefit determination. What this bill does is reestablish marketplace competition past a decade from now, so that we at least have some alternatives, and it strengthens that public benefit determination test so we have much more control over what can go into these landfills and, for the most part, get rid of the out-of-state waste problem. It's not perfect. The truth is our original policy was the best solution; we just haven't followed it for years. We shouldn't be landfilling it when it's avoidable. If we can't ban out-of-state waste under the Commerce Clause and if we're not going to manage waste and operate our own facilities, then we are left as the last remaining choice, controlling waste through marketplace competition and appropriate regulation. This isn't the best solution; it's just the least worst. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the bill before us. I do so having been to Crossroads several times in the last 10 years. I do so also living downriver from Crossroads. You may ask, you know, that seems to be a conflict, why would you rise in support of such a motion when you are affected and live downriver? I will speak to my experience at Crossroads. The first time I went to Crossroads was over 10 years ago. I went to do an erosion control and sediment inspection. I was working for the Soil and Water District at the time and there was some work that was being done and the contractor was looking to be certified, so I went to Crossroads and had never been on the property before so I didn't know what to expect. So I entered and I found the property to be state-of-the-art. I was surprised that it really impressed me to see sort of the work that was occurring and the fact that such a site existed. It's sort of not what I had heard from the issues back in the late '80s. So that was probably 10 years ago.

Two years ago while I was chairing the planning board in Skowhegan, I had the opportunity to go back to the site. At that time, BDS Tire was looking at siting a tire chipping plant in Skowhegan, so we didn't know what to expect so we went over to actually inspect the site and watch that process. So when we went to BDS, we also had an opportunity to tour Crossroads and I was equally as impressed and more work was going on at that time. So my vote today is really based on my experience of seeing what is occurring at the landfill and also that opportunity.

I also share with you another story today. I remember about 10 years ago a family from Norridgewock. At that time, they were a dairy farm. They had since got out of dairy farming but now are back in dairy farming, and they came to talk to me at the Soil and Water District to see if I knew of any jobs in the area. Their son had recently graduated with a degree in environmental science and was working in Vermont, and their hope was really to bring that son home, back to Maine. So since then, Jack has actually returned to Maine and he works as an environmental engineer at the landfill and brings a lot of experience to that job. It's nice to see Jack when I'm out in town. Frequently I see him out with his



friends out for dinner and I recently heard that he's looking to buy a new truck. So that's just a little bit of the success of the people who work at a facility such as this.

Just the other day, I went for a walk with my children and I was reminded, I actually had several notes on my desk when I walked in about my children today. People must have seen them in the building the other day and they wanted to remind me that my children do live downstream from Waste Management. I actually brought my children to the river the other day and I let the dog swim in the river knowing what's upstream and being comfortable that that's upstream. This summer I will fish in the river, I will boat in the river and I will swim with my children knowing what's upstream and being comfortable. So I encourage all the folks here today to follow my light and support the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting against this bill for one simple reason: I don't want to encourage the dumping of out-of-state waste in Maine. I know the Supreme Court will not allow us to outlaw out-of-state waste in the State of Maine, so the only resource that we have at our disposal is to not expand our existing landfills. This landfill has a capacity of 10 years of life if its current use continues. We have time to think about this and to find a different solution. It's not an emergency and so I don't plan to be voting for this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I rise primarily because I was involved in the legislation, some 20 years ago now, when we attempted to ban out-of-state commercial waste, and it was clear at that time that the only way we could do it was that if we had state-owned facilities. I appreciate the fact that we've run into trouble, some of the things that have happened, with the Supreme Court subsequently saying that if the waste ended up here processed, it in fact became in-state waste. That's unfortunate, something over which we have no control, something which the Congress could change but obviously that may not happen in the near future, keeping in mind that as a state we've done some interesting things. We saved, supposedly, a mill in Old Town because we bought what used to be the place where the mill got rid of their waste. Last year, guess what? We now have another state-owned facility. We now own one in the Millinocket/East Millinocket area and we somehow will end up having to be responsible for that. Frankly, if I had my druthers today, what I'd rather be voting for is a bill to buy the facility in Norridgewock and make that a state-owned facility so that we have greater control of our ability to control waste.

What we did some 20 years ago was caused, in part, because Massachusetts and companies were coming in, and they were going around looking for land to buy so they could create a landfill to move that waste from Massachusetts. Whatever we do in the future, we have to figure out a way of how we want to be able to control that. Because if we don't do that, at some point very quickly, we will be the dumping ground for the rest of the Northeast. We have more land than everyone else, with the other five New England states. We have the greater ability to find locations which we may not want. It is not a question, I think, in the long run of whether or not we want the right thing because I think we all do. It's a question of how we achieve that goal and as I look forward to what we do, and there is, as I understand it and no one's been able to show it to me, an

understanding which was agreed to by the town of Norridgewock and the landfill that only 30 percent of the waste would come from out of state for the future. If the company were willing to document that and to say that whatever waste that they will do from now towards the future with a new potential landfill expansion, and they were to make that commitment which we can't do at the state level because we'd be violating the Commerce Clause, but guess what? The municipality of Norridgewock in fact could make that agreement and if the landfill company were willing to make that agreement so that we don't have any more out-of-state waste and that were documented before us today, I'd vote for this bill today.

Short of that, I will vote against it because I don't want to create any more opening that is all possible to get to that level of where I don't want to be. So that's the quick background as to where we started, what's happened to us, and I can go into greater detail but I don't want to bore you with all of that. But that's really the bottom line. I think that if we had those documents signed today that any future expansion that will occur in Norridgewock, that we'll say that they will keep the same commitment which they have to my knowledge, to date, today with the existing landfill, that would be, I think, a movement in the right direction.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

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

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: Thank you, Mr. Speaker. My question is what staff and in what department will that staff be placed, which will be responsible for drafting the state plan upon which this determination of a public benefit is to be based?

The SPEAKER: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. The shorter answer is we don't know. The proposals that have come from the Chief Executive with regard to the reorganization of the State Planning Office are before us now and the Appropriations Committee will be holding the public hearing on that section of the supplemental budget this afternoon, and given the proposals that are before us from the Governor's office, there would be cuts. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's been discussed a lot today the fact about out-of-state waste. What hasn't been discussed is waste from central Maine and western Maine going to this facility. I'm pretty familiar with our facility in Skowhegan. We pride ourselves on recycling, but there's also a waste component there. Our waste goes to Crossroads. I believe many people sitting in this room who represent central Maine towns and western Maine towns probably send their waste to Crossroads. I encourage folks to realize how cost effective it is for our communities to have this landfill, and while I encourage communities to recycle, to reduce and reuse, there is always the need for a landfill. This is one choice for central Maine towns that provides a regional option. It is very cost effective. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I asked the question

about the staff for a very good reason. It wasn't a hypothetical in the sense that my understanding is that the State Planning Office is being dismantled and its functions pretty drastically cut and dispersed across state government. The whole premises of the Majority Report is that there will be a determination if a landfill can't be sited and get approved for an expansion or a new landfill to be sited unless it meets this public benefit test. The point of the benefit is does this benefit Maine as opposed to the rest of New England or the Northeastern United States.

Over the years, we, I think I'd agree with the Representative from Hudson, Representative Duchesne, have had a diminishing sense of responsibility over this issue. It may be that time heals all wounds and you know our memories have gotten fuzzy. I acknowledge there are people in this chamber who may not have been born when the issues that this state has faced in the early 1980s were facing us in a very overwhelming way. At that time, there was open competition and the State of Maine was potentially going to be the dumping ground for the entire Northeastern United States. There were multiple proposals for landfills. One of them was called Hebo Hybo. It was on Hebo Hybo Road in Lebanon. That was one of them. We had the Norridgewock facility that was ongoing. There were other proposals that were made and the State of Maine was actually facing the situation of becoming essentially the solid waste disposal facility for the rest of every other state within driving distance.

Our Governor at the time, actually it was such a crisis that he issued a moratorium on any new development of landfills. Out of that came a very comprehensive solid waste policy and what remains of it is in the Majority Report, not very much. Some of what we can do is constrained by the U.S. Supreme Court, but they have made it very clear that if we own a facility then we have complete control as the owners of that facility to decide what goes in it, because we're a market participant. So that's certainly one way. Then the other way is through making sure that a new facility or expansion meets this public benefit test, but it's totally dependent on having a thoughtful plan with research and, you know, real careful analysis. It's not clear to me that we actually have any staff that are going to be dedicated to doing that as we go forward. If that's the case, then it's really a house of cards that we're building here. I don't think that this is something that we have to decide today.

According to the fact sheet that was handed out by Representative Walsh Innes of Yarmouth, it says here that there is 13 years for the Crossroads facility, and of course that's 13 years without doing all that much about recycling and reuse, quite frankly. We have really fallen down on our efforts. There used to be funding that went to municipalities to help them put into place better recycling and reuse. I took a look at the budget proposals on this and the language about grants to communities, it's just crossed out. So you know there's so much more we could be doing and, yes, some of this takes money that we may not have right now, but to be rushing into this decision, it's, I think, extremely foolish. One of the things that we have in this state that we can market is our clean air and our clean water and our image as a beautiful, natural place to be, and I don't want to see this state turning into the dumping grounds for the Northeastern United States and I don't want to see a proliferation of landfills in the future. We need to be very thoughtful about this and I don't think that this measure, the Majority Report, is the way to go.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative GILBERT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What about the people that live in that area? I haven't heard any of the speeches

address these people. I represent the towns of Starks and Mercer with three other towns. Starks and Mercer, Starks is across the river from Norridgewock; Mercer abuts Norridgewock. I've heard from people who live in that area and also some from Norridgewock, and of all the calls that I've received on any issue this has been the biggest one for me in the last four years. There hasn't been one call supporting an increase in the size of that waste facility. That waste facility and the town of Jay also sends its waste to there, which I represent. I live in Jay. It's the largest town in my district. They send their waste to the Norridgewock facility. The Norridgewock facility has a life now of about 11, I've heard 10 years, I've heard 11 years, I've heard 13 years. That gives us time to plan for this and do a good job, do a good study. I am voting against this bill. I don't think there is any reason to rush with this. I will be voting no on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative PARKER: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spent a little bit of my career working with waste and I know there's a lot of sentiment in this state not to receive out-of-state waste. This morning I had cereal for breakfast packaged in Michigan. I had deodorant that was packaged and shipped from New Jersey. My wife bought a new dishwasher. It was packaged in Pennsylvania. What are we supposed to classify the material and the packaging and the shipping it into the state? That's where the controversy with interstate commerce laws comes down. If we want to get our cereal unpackaged, if we want to get our deodorant unpackaged, if we want our refrigerators to come unpackaged, then we don't have to deal with "that portion of out-of-state waste" and now because it's reclassified as Maine waste and goes to our incinerators, landfills and recycling.

The competition has been eliminated from the market. To paraphrase what Representative Duchesne said, we're now faced with the least worst alternative. If we want to have every town in this state sacrifice its budget and close down everything with exception of Old Town, we have one market, one store in effect to buy in and we're going to pay through the nose. But from the environmental side, does it make sense to put those trucks, burn that fuel, use that transportation to take all of western Maine's waste to eastern Maine? There should be an alternative and it should be looked at from an environmental point of view, not just the emotion of the waste that's being disposed of. We have to have competition. We have to look at the cost.

The definition of waste, we can stand here all day and argue, well, we can have this landfill and we can have the state own it if we can say it can only be for in-state waste. We aren't in an in-state society as far as buying products. When we start facing that issue we'll understand a piece of it. If we leave Norridgewock open and let them have the ability to prove that they have the public benefit to the state's advantage so that they could actually file an application, then there is six or eight years out with many public hearings, many points of input and many chances to cross-examine and question them as to whether that proposal is adequate or inadequate. This only allows the system to proceed. It is very specific because we haven't decided as a society to try to reduce our costs and maybe spend some of our solid waste money on schools and maybe on health care. We'd rather drive the cost up for landfills by trying to have just one landfill hidden somewhere in the state that nobody can find and go to it. We've got to stop and look at the economics as well. At least this gives us some semblance of competition in the market. Again, as Representative Duchesne said, this may be the least worst, but at least it's something better than we had in 1989 when we did what we did back then. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Excuse me for getting up a second time on this. I just wanted to highlight one other thing, that most of the farms now along the Sandy River in Starks and in Mercer are organic farms and I think that's why those people are very concerned about this. I would remind everybody that that dump has an 11 to 13-year life left on it and there is no hurry to change this.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for rising twice in the same month. Just to answer a few questions that have been posed, the funding that the Representative from Lewiston, Representative Rotundo, spoke of is in the budget. The plan, as I understand it and in our committee understands it, is that, first of all, these positions are funded by the Solid Waste Management Fund which is a Special Other Fund category. Six positions at the State Planning Office are funded under that right now. The funding would follow one person over to, I believe at this point, DECD, which would manage the contract under which the Juniper Ridge Landfill operates under. The rest of the funding would go over to DEP which would then have the additional resources to fund positions which would oversee solid waste. So that's the funding plan and I look forward to the work session in Appropriations to make sure we follow that plan.

Second, who does the Solid Waste Management Plan going forward? That would be the Department of Environmental Protection with its new resources. The public benefit determination is an interesting thing. Who does it, I think, the question was posed. It's already being done by the Department of Environmental Protection. There is already a public benefit determination on Crossroads. It already sets a limit, I believe it's 30 percent and they are staying under it. So even if there were no contracts with the town of Norridgewock, the public benefit determination already limits how much out-of-state waste could go in there and the Department does that. If you want a more recent example, the commissioner has just issued a public benefit determination for an expansion in Old Town. It is full of conditions that stop manipulation of solid waste within the marketplace in Maine so that that landfill is not abused. So the Department does the public benefit determination, they already do, they already have.

Regarding the timetable that was suggested, there were 13 years left based on the State Planning Office capacity report. That capacity report relies on 2010 data. Two years have passed since then, a third will have passed by the time we finish this debate. There is really only about 10 years left. It will take a while to acquire the property, take a while to do the engineering, take a while to do the permit, the public benefit determination, then the full permit for expansion. We are looking at the time of horizon, it is already fast approaching. It's not a critical emergency but it's getting pretty darn close. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Walsh Innes.

Representative **WALSH INNES**: Thank you, Mr. Speaker. I just wanted to make a comment to those last remarks by my good colleague from Hudson, Representative Duchesne. If Crossroads stopped taking out-of-state waste now, we'd gain three years of time to make this planning happen if they have 10 years left now. Thank you.

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

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

**ROLL CALL NO. 262**

YEA - Ayotte, Beaulieu, Beck, Beliveau, Bennett, Bickford, Black, Bryant, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Edgcomb, Espling, Eves, Fitts, Fitzpatrick, Flood, Fossel, Gifford, Gillway, Graham, Hamper, Hanley, Harlow, Harmon, Harvell, Hayes, Herbig, Hunt, Johnson D, Johnson P, Kaenrath, Keschl, Knapp, Knight, Libby, Long, Longstaff, Luchini, Maker, Malaby, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Tuttle, Valentino, Volk, Wallace, Waterhouse, Weaver, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Berry, Blodgett, Boland, Bolduc, Briggs, Casavant, Chapman, Chipman, Clarke, Davis, Eberle, Flemings, Foster, Fredette, Gilbert, Goode, Guerin, Hinck, Hogan, Innes Walsh, Kruger, Kumiega, Lajoie, Lovejoy, MacDonald, Maloney, Martin, Monaghan-Derrig, Morrison, O'Brien, Peoples, Priest, Rochelo, Rotundo, Russell, Sanborn, Stevens, Treat, Turner, Wagner R, Webster.

ABSENT - Celli, Cotta, Haskell, Kent, Stuckey.

Yes, 102; No, 43; Absent, 5; Vacant, 1; Excused, 0.

102 having voted in the affirmative and 43 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-774) 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" (H-774)** 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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**SENATE PAPERS**

Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum

(S.P. 674) (L.D. 1898)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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The following Joint Order: (S.P. 673)

**ORDERED**, the House concurring, that Bill, "An Act To Protect Gasoline Marketers from Liability for Selling Federally Mandated Gasoline," S.P. 557, L.D. 1658, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

**READ** and **PASSED** in concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1311) (L.D. 1786) Bill "An Act To Repeal the Requirement That the Department of Labor Calculate the Livable Wage" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-810)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** 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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On motion of Representative HAMPER of Oxford, the House adjourned at 11:57 a.m., until 10:00 a.m., Friday, March 23, 2012.