ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
48th Legislative Day
Monday, May 23, 2011

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

Prayer by Reverend Anne Stanley, Christ Episcopal Church, Norway.

National Anthem by Molly Bouchard, Caribou.

Pledge of Allegiance.

Doctor of the day, Carla Burkley, M.D., Auburn.

The Journal of Thursday, May 19, 2011 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Discourage Illegal Dumping in the State"

(H.P. 94) (L.D. 112)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97) in the House on April 26, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97) AS AMENDED BY SENATE AMENDMENT "B" (S-113)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc."

(H.P. 1149) (L.D. 1564)

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in the House on May 11, 2011.

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

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

Non-Concurrent Matter

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

(H.P. 52) (L.D. 59)
(C. "A" H-72)

PASSED TO BE ENACTED in the House on May 17, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY SENATE AMENDMENT "A" (S-122)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelly Family Cemetery (EMERGENCY)

(H.P. 230) (L.D. 286)
(C. "A" H-142; S. "A" S-86)

PASSED TO BE ENACTED in the House on May 19, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "B" (S-131)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

(H.P. 822) (L.D. 1110)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)** in the House on May 18, 2011.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 173)

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

May 23, 2011
The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Nutting:

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

Criminal Justice and Public Safety

L.D. 963	An Act To Ensure Humane Treatment for Special Management Prisoners
L.D. 1163	An Act To Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners
L.D. 1438	An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates
L.D. 1484	An Act Regarding Retired Law Enforcement Officers' Retirement Credentials
L.D. 1525	An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine
L.D. 1542	An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System

Education and Cultural Affairs

L.D. 929	Resolve, To Establish a Study Group To Review the Teacher Certification Process

Energy, Utilities and Technology

L.D. 1311	An Act To Specify That Providers of Voice Over Internet Protocol Services and Internet Protocol Enabled Services Do Not Constitute Telephone Utilities

Health and Human Services

L.D. 747	An Act To Require Hospital Credit Reporting That Is Fair to Consumers

State and Local Government

L.D. 1223	An Act Regarding Credit Card Transactions for InforME Services

Veterans and Legal Affairs

L.D. 820 An Act To Alter the Distribution of Maine Clean Election Act Funding

L.D. 1277 An Act To Exempt Contributions for the Retirement of Old Campaign Debt from Contribution Limits

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

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

ORDERS

On motion of Representative FREDETTE of Newport, the following Joint Resolution: (H.P. 1163) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, 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, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston, CEBRA of Naples, CELLI of Brewer, 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, 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, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, 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, 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, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WINTLE of Garland, 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, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBINS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, 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, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE HONORABLE MICHAEL B. DONLEY, SECRETARY OF THE UNITED STATES AIR FORCE, AND THE MAINE CONGRESSIONAL DELEGATION TO PETITION FOR AN OPEN AND OBJECTIVE EVALUATION BY THE UNITED STATES AIR FORCE CONCERNING BASING DECISIONS FOR THE KC-46A REFUELING TANKER

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Honorable Michael B. Donley, Secretary of the United States Air Force, and the Maine Congressional Delegation as follows:

WHEREAS, the Maine Air National Guard 101st Air Refueling Wing, Bangor, Maine, has served with honor and distinction supporting military contingency operations around the world for over 3 decades; and

WHEREAS, the KC-46A is the United States Air Force's next generation aerial refueling tanker; and

WHEREAS, the Maine Air National Guard accounts for over 400 full-time and over 700 part-time traditional jobs with an annual economic impact on Maine of over $100,000,000; and

WHEREAS, the first military aircraft over New York City on September 11, 2001 formed a combat air patrol anchored by a tanker from the Maine Air National Guard; and

WHEREAS, the 101st Air Refueling Wing has had personnel and aircraft on alert for immediate launch to ensure national security 24 hours a day, 7 days a week, 365 days a year since November 2001; and

WHEREAS, the 101st Air Refueling Wing has launched more aircraft in support of alert missions than any other Air National Guard tanker unit; and

WHEREAS, the Defense Base Closure and Realignment Commission of 2005 reassigned 2 tanker aircraft to Bangor, Maine, specifically identifying the high volume of missions and aircraft being processed at the 101st Air Refueling Wing; and

WHEREAS, the 101st Air Refueling Wing has processed more jet fuel annually than any other Air National Guard base in the continental United States every year since 2002; and

WHEREAS, the 101st Air Refueling Wing has supported more transient aircraft stops annually than any other Air National Guard base in the continental United States every year since 2002; and

WHEREAS, the 101st Air Refueling Wing location is closer to 2 of the most heavily used refueling tracks in the world, AR-20 for missions coming from or returning to East Coast bases and AR-62 for missions coming from or returning to West Coast bases, than any other air refueling wing location; and

WHEREAS, the 101st Air Refueling Wing enjoys extremely high community support for 24-hour operations with no limitations or restrictions on night, early morning or weekend missions; and

WHEREAS, the 101st Air Refueling Wing has been the unit of choice to support highly classified and presidential missions being refueled over the Northeast; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to urge and petition Secretary Donley and the Maine Congressional Delegation to ensure that the United States Air Force uses all available objective data during basing decisions for the next generation air refueling tanker, the KC-46A; and be it further

RESOLVED: That We, your Memorialists, call upon the Maine Congressional Delegation to highlight the significant accomplishments of the 101st Air Refueling Wing in its support of United States Air Force missions, with no operational restrictions, launching aircraft immediately when necessary and supporting a high volume of transient military aircraft; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Michael B. Donley, Secretary of the United States Air Force and to each Member of the Maine Congressional Delegation.

READ and **ADOPTED**.

Sent for concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs"

(H.P. 892) (L.D. 1201)

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)** on same Bill.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

BURNS of Whiting
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

READ.

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

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill deals with forfeited bail money that district attorneys are allowed to keep for the purpose of extradition of people who are arrested and charged with a crime in Maine. Traditionally the amount of money district attorneys have been able to keep is $20,000. We dealt with this issue in a previous session, but because of the fiscal note the Appropriations Committee did not approve it.

This bill has a little twist to it. The original bill called for increasing the amount to $40,000, but it also would allow district attorneys to not only use the money for extradition but also to use the money for prosecution. This has not been allowed in this account previously. As I understand it, the district attorneys have requested increases in witness fees to be used for prosecution and have not been granted through the regular budget process. I have also been told that in fact those fees could be cut in the current budget.

The problem I have with this bill is it appears to me it is a backdoor attempt to get the money that they couldn't get in the budget for prosecution expenses. Now I don't know whether they need that money or not, but if they need it, it seems to me the best way would be to come through the front door and fight for an increasing amount of money. Thank you, Mr. Speaker.

On motion of Representative WILLETTE of Mapleton, **TABLED** pending the motion of Representative PLUMMER of Windham to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on Bill "An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards"

(H.P. 398) (L.D. 505)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Senator:

MASON of Androscoggin

Representative:

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-297)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-297)** 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-297)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks

(H.P. 332) (L.D. 439)

Signed:

Senators:

SAVIELLO of Franklin

GOODALL of Sagadahoc

Representatives:

HAMPER of Oxford

DUCHESNE of Hudson

HARLOW of Portland

INNES of Yarmouth

KNAPP of Gorham

NASS of Acton

PARKER of Veazie

WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-306)** on same Resolve.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

AYOTTE of Caswell

LONG of Sherman

READ.

Representative HAMPER of Oxford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first became acquainted with this case in testimony given by Mr. Drolet, approximately five years ago, when he related the order of events in front of the Natural Resources Committee. I was sure that I had initially misunderstood as it was by far the worst case of mistreatment by a state department that I had ever heard.

In approximately 1994, Mr. Drolet purchased a piece of land in Limestone. Awhile after purchasing this lot, petroleum was discovered leeching from an area on the lot. This was in Limestone, Maine. Mr. Drolet immediately notified the DEP and followed their directions to the letter. He asked the local DEP director several times if this would cost him any money and was told twice that it would not. Everything would be taken care of by a superfund and he was under the impression that the incident was over with. However, 10 years later, and I would like to repeat this – 10 years later – this isn't two years later, this isn't four years later, this isn't six years later or eight years later, this is 10 years later – he walked down to his mailbox. He had received a letter from the DEP for a bill of $12,500 10 years later. Never, never at any time in this 10 years was he ever notified in any way, shape, form or manner. I verified this with the legal analyst. I said was he ever notified in any way in this 10-year interim and was told absolutely not. Had he been notified I would have dropped the case immediately. That is the only bit of information, as I said, I verified. Not two years, not five years, ladies and gentlemen, 10 years later.

Ladies and gentlemen, put yourself in his place. I feel that every citizen should be able to trust an entity to treat one person fairly and justly. It should be our own state government, the officials that we place our trust in, people that we assume will treat us fairly. If you can't trust your state government, who can you trust? If you feel that waiting 10 years to receive a bill when you were told that you would not receive is fair, then by all means vote against this bill. If you feel that this is okay for a state or state department to act in an irresponsible manner, if you feel that to treat a citizen in this egregious manner is right, then by all means vote against this bill. This bill is to right a wrong that is long overdue. Is it not the Lady of Justice on our state capitol dome? I can guarantee you that I would stand and fight desperately for anyone in this House, regardless of party, that were treated in such a manner, regardless of whether or not I agree with you, I would fight for you to defend this cause. This is an egregious offense.

Now, my friends, you will hear testimony today saying that we cannot possibly afford to pay this bill because we would have to pay others that the state treated unfairly. Well, as far as I know, ladies and gentlemen, if you owe one bill, three bills or four bills, as far as I know you have to pay all of the bills. You don't choose the one you want to pay or you don't say "I won't pay any of them. I won't pay this one so I don't have to pay any of them." My friends, allow me to inform you that if you owe one bill or five bills, you owe all of them. By the way, no one else came forward, so this is accused as simply a diversionary tactic. I'm sure that these same Representatives who will stand up against this bill will not dare to mention the 10-year lack of communication. This will be simply disregarded. I know there are other implications on this bill, but I still want you to keep in mind a 10-year period with no communication. If the state owes its citizen money, stand up and admit it, do what is right. This is the least a state legislator can do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was heard again in the Environment and Natural Resources Committee. This is my third term in that committee and the third term I've heard the Arthur Drolet case. I want to remind the body that this case was heard in court and the determination was done in court and the fine was upheld in court and for this body to override and pay that deductible would be a case of trial by Legislature, and I don't think that's a precedent that this body wants to set. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise just very briefly on this motion before us. I have great respect for Representative Hamper and his comments that have just been made, but my light will fall with that of Representative Ayotte.

I had an occasion to meet with Mr. Drolet several years ago at my home in Livermore Falls, when he came and brought this matter to my attention. It is a matter, I think, of doing what is right and not being caught up with the concern about this precedent. This man has been wronged and whether it is one wrong or one hundred wrongs, we need to do the correct thing and that is why I think we were all sent here, and I will be hitting a red button on this one. Follow my light. Thank you.

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

ROLL CALL NO. 64

YEA - Beaulieu, Beck, Beliveau, Berry, Blodgett, Boland, Briggs, Bryant, Cain, Cebra, Chapman, Chase, Chipman, Clarke, Cornell du Houx, Curtis, Damon, Dill J, Dow, Driscoll, Dunphy, Eberle, Espling, Fitts, Fitzpatrick, Flemings, Flood, Foster, Gilbert, Gillway, Goode, Graham, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Keschl, Knapp, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Mazurek, McCabe, McClellan, McKane, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, Parker, Parry, Peoples, Pilon, Plummer, Priest, Rankin, Richardson D, Rioux, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Treat, Turner, Valentino, Volk, Wagner R, Waterhouse, Webster, Welsh, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Bennett, Bickford, Black, Bolduc, Burns DC, Burns DR, Casavant, Celli, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Cushing, Davis, Edgecomb, Fossel, Fredette, Gifford, Guerin, Harmon, Hogan, Johnson P, Knight, Libby, Long, Lovejoy, Malaby, Martin, McFadden, Newendyke, O'Connor, Olsen, Peterson, Picchiotti, Prescott, Richardson W, Sirocki, Theriault, Timberlake, Tuttle, Weaver, Willette A, Willette M, Winsor, Wood.

ABSENT - Carey, Dion, Duchesne, Eves, Kruger, Maloney, Rochelo, Wintle.

Yes, 92; No, 50; Absent, 8; Vacant, 1; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-305)** on Bill "An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone"

(H.P. 435) (L.D. 552)

Signed:
Senators:
SAVIELLO of Franklin
GOODALL of Sagadahoc

Representatives:
HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie

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

Signed:
Senator:
SHERMAN of Aroostook

Representatives:
HARLOW of Portland
INNES of Yarmouth
WELSH of Rockport

READ.

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

Representative WELSH of Rockport **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 Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to speak in opposition to the pending motion. When I was a new legislator, a person in their 4th term advised me, "Never submit a bill that is for the benefit of one person. It does not make good policy and almost always has unintended consequences." This bill is that kind of bill.

This is a bill brought forward to help a person build a small room on top of his house near the ocean. This room is allowed to be 10 feet high and 53 square feet. The purpose of this room is to pursue his hobby of watching the stars with his telescope, which is an admirable and great hobby.

However, this is not such a good thing for any back lot neighbors. Real estate with a view of lakes, rivers or the ocean has a higher value than those without a view, even in the same neighborhood; they also pay higher taxes because of this view. Having someone in front of them build a room as allowed in this bill will have a significant effect on their view and thus their property values.

This bill will help one person with his hobby. Yet it has significant unintended consequences for property owners with back lot water views around the state. I ask my colleagues in the chamber to vote against this motion. Thank you, Mr. Speaker.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Star light, star bright, first star I've seen tonight. This is a simple bill for a man who is an astronomer who wants to be able to add 10 feet on the top of his house within the confines of the measurements, which is very limited, certainly not significant to view the stars. Who could be opposed to that?

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Currently under shoreland zoning regulations, a municipality has no authority to issue a building permit for a cupola having any floor area in the proposed cupola, and it would extend the height of the structure above 35 feet. Currently the existing shoreland zoning regulations exempt such things as steeples, chimneys, antennas, transmission towers, and windmills, with no height restrictions imposed on them by either state law or by the shoreland zoning regulations.

The purpose of this bill, and as it is amended, is to exempt cupolas that have a certain size from the height restrictions imposed on a structure in the shoreland zone and to grant municipalities. And to grant municipalities? Did I say that? And to grant municipalities their right to permit such cupolas if the municipality chooses to allow them under its local zoning ordinance. The municipality, it is a municipal decision. The exemption would apply only if the cupola extends the height of an existing structure by no more than seven feet and if the proposed cupola has a floor area of 53 square feet or less, which is seven foot three by seven foot three, if you are dealing with a square. Personally, I wouldn't want to have to weatherproof said cupola, but that comes from a builder's point of view.

LD 552, as amended, requires municipal approval – municipal approval – of such cupolas, just like other shoreland zoning provisions. The town can decide if it wishes to include the provision in its shoreland zoning ordinance. The town can decide if it wishes to include this provision in its zoning ordinance or not as the town chooses. It is a municipal option.

There was no opposition to the bill at the public hearing, both the DEP and the Audubon Society testified in favor of it. The language of Committee Amendment "A" was a result of discussion and compromise and is supported by the chairs and leads of both bodies. I will leave it at that. I think I said municipality enough times this morning, Mr. Speaker. Thank you.

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. First, I just want to let people know that this really was not a contentious issue in the committee. We actually did vote unanimously on this bill at the end of a very long day. I believe it was about nine hours into our committee day and we did actually give some thought, several of us, to how this bill would impact folks all across the state and we did reconsider the vote.

You will see that most of the folks that are on the Minority Report do have the coastal areas, so that these cupolas or any addition of this size, if granted by a municipality, can be built on shoreland property. So we really felt like this really needed to be vetted a little bit more and people really need to think about if we want to have 10 foot higher additions on shoreland property. We really didn't hear or really feel like we heard enough from folks that maybe would be impacted by that. Are they even aware that they would be impacted, the folks in the back lots. So I am voting against this motion and I would like you to follow my light. 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. 65

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Blodgett, Burns DC, Burns DR, Cain, Cebra, Celli, Chase, Clark H, Clark T, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Hunt, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Lajoie, Libby, Long, Longstaff, Maker, Malaby, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Valentino, Volk, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Boland, Bolduc, Briggs, Bryant, Casavant, Chapman, Chipman, Clarke, Driscoll, Dunphy, Eberle, Flemings, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Lovejoy, Luchini, MacDonald, Martin, Mazurek, Morrison, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rotundo, Russell, Sanborn, Stevens, Stuckey, Treat, Tuttle, Wagner R, Welsh.

ABSENT - Carey, Dion, Duchesne, Eves, Kruger, Maloney, Rochelo, Wintle.

Yes, 93; No, 49; Absent, 8; Vacant, 1; Excused, 0.

93 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-305)** 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-305)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority

(H.P. 728) (L.D. 984)

Signed:
Senator:
SULLIVAN of York

Representatives:
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
KAENRATH of South Portland
MOULTON of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-304)** on same RESOLUTION.

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

COTTA of China

CELLI of Brewer

HARVELL of Farmington

TURNER of Burlington

READ.

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

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to explain that this authority that is being asked to be overturned is something that helps expedite projects that are seen to be helpful, particularly to a municipality's health care institutions, colleges.

The American Institute of Architects and the American Council of Engineering Companies are in opposition, and I would like to just tell you exactly what the architects say. What it really means is to be a prospective borrower this process lacks any predictability, so it is apt to slow things down for both the investment and jobs. The likelihood that each member of the Legislature would take the time to familiarize themselves enough with the projects to be funded instead of relying upon the very experienced and professional judgment of the bonding authority would be a huge mistake.

The processing time resulting from application of this measure would in all likelihood extend the period for obtaining project financing from months to years, thus precluding this option from serious consideration. By going this route, the Maine bond bank would have no ability to time a given issue to the state of the market, leaving it without its current ability to achieve the best market rates for its borrowers. I just wanted to clarify for you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Maine Governmental Facilities Authority is my white whale. I have been tracking the beast for 16 years. For those of you who don't know what the Governmental Facilities Authority is or how it was created, I will let you know.

Back in 1994 there was an article in the newspaper that actually dealt with the very issue that took place up here. I am going to read it. It is called "Persistent Politicians." "Some politicians just won't take no for an answer. In 1993, the Board of Supervisors of suburban Loudoun County, Virginia, placed a $35 million bond issue on the ballot, intended to finance a county government building. By a 2-to-1 margin, the voters said no."

"Still salivating for the new office space, the board attempted to make an end run around Virginia's constitutional provision that requires voter approval for all government debt. The supervisors created Gilcorp, a nonprofit corporation, which then secured a contract for a 22-year lease on a building yet to be erected. After raising $30 million with bonds and securing an additional $11.3 million in public funds, Gilcorp constructed a building, which it then leased to Loudoun County. Loudoun voters rewarded the supervisors' creativity by turning seven of the nine out of office in the November 1995 election."

Now as Paul Harvey used to say, for the rest of the story. Back in the early '90s and for sometime before, there was a series of referendums that went to people of Maine asking for bonds to fund the refurbishing of the State House, a new Augusta mental health center, replacement of the Maine State Prison, courthouse improvements and more. These bonds were rejected repeatedly by the citizens of Maine. Still salivating for these projects to be funded, the Legislature came up with its own creative financing, here goes the Maine Governmental Facilities Authority. The existing Maine Court Authority was morphed into this new entity.

Since its founding the Authority has been authorized to borrow money through lease appropriation bonds and issue negotiable securities. The authority uses the proceeds or these securities to finance construction projects. Construction is thus built on lease to the state, rental payments to the Maine Governmental Facilities Authority by the state expressly conditioned on the patches of subsequent legislative appropriations. If the Legislature fails to appropriate the money to pay the rent, the authority will be unable to fill its law obligations for security holds. The state is billed for these projects through debt service.

I was in the Legislature during that debate and the creation of the Maine Governmental Facilities Authority, and many of us considered that effort as an end-run around the Constitution of Maine, of Article IX, Section 14. There were several newspapers in Maine that thought likewise and I have, I can't use this as a prop, but I have a cartoon from the *Portland Press Herald* showing a football player making an end-run around the cheerleaders and it is the holding them state bonding process. So even the *Portland Press Herald* thought it was an end-run around the Constitution.

During the debate on the floor, Representative Kerr, who was the chair of the Appropriations Committee at the time, said "This is what we refer to as third party lease payments and what that is is that we set up the Maine Governmental Facilities Authority which then pays for these bonds. This is where the area where we get around the Constitution." Representative Marvin then got up and said "Now three times in the past decade we've gone back to the voters and asked for money for the State Office Building. Three times the voters of Maine have said no. So I just don't think that it's appropriate for the Legislature to take it upon itself to make this decision." Finally, Representative Ott got up and said "Let's say it is a commitment, a political will to do these repairs. We have $300 million in surplus." Yes, ladies and gentlemen, we had a surplus back then, $300 million. "If this is one time money," Representative Ott said, "one time repairs, I would suggest that we should be looking at that funding stream rather than putting debt service on the people of the State of Maine." We lost that debate and the majority made an end-run around Maine's Constitution and put it into statute.

Among the significant changes – and this is where this bill comes in – to the existing law at the time was the change of the requirement for two-thirds of each house of the Legislature to authorize the Authority to issue securities. The Maine Court Authority used to require that and the change was found in the Senate Amendment. In my research on the two-thirds vote requirement, I found that the original language, the two-thirds requirement, is still in statute. What the Legislature has been doing is they are using notwithstanding language and passing

this with a majority vote. So the Legislature got around the Constitution, then removed the requirement for a larger consensus, two-thirds for the Authority to issue security. Maine Governmental Facilities Authority debt is $185 million and by the time this debt is paid off in 2030, including interest, the cost to Maine taxpayers is actually $241 million, and the next biennium budget, fiscal years 2012-2013, the payment comes to $49 million.

If you pass this bill, it will remove the ability of the Maine Governmental Facilities Authority to issue bonds and negotiable securities, stop the end-run around the Maine Constitution, and pose the question back to where it resides with the voters. That is what I would like to do, but this only requires two-thirds. A two-thirds vote and you heard earlier testimony saying, well, this expedites construction projects. Well, we shouldn't expedite Maine debt service. From my position all those types of bonds, especially the newly created one 16 years ago, should require a larger consensus for us to put more debt service on the citizens of the State of Maine. So I hope you support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. I, too, urge your support of this bill and I would like to read something from Senator Peter Mills, something he wrote in 2008.

"As part of a national reform movement after the freewheeling spending era of the 1830's and 1840's, Maine voters in 1848 adopted a balanced budget amendment to our Constitution prohibiting the state from borrowing large sums of money without a 2/3 vote of the legislature followed by approval from voters."

"In 1998, on the 150th anniversary of Maine's balanced budget amendment, the legislature borrowed $143 million by majority vote without public approval. This was done by authorizing moral obligation bonds through an entity called the Government Facilities Authority."

That is what this bill is attempting to rein in. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 66

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Driscoll, Eberle, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Martin, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Carey, Dion, Duchesne, Eves, Kruger, Maloney, Rochelo, Wintle.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-304)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-304)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on Bill "An Act To Provide a Sales Tax Holiday Weekend"

(H.P. 1017) (L.D. 1384)

Signed:
Senators:
TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:
Senator:
WOODBURY of Cumberland

Representatives:
BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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" (H-288)** 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-288)** and sent for concurrence.

Nine Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought Not to Pass** on Bill "An Act To Permit Persons To Perform Simple Electrical Repairs under Limited Licenses"

(H.P. 591) (L.D. 784)

Signed:

Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
DOW of Waldoboro
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
WINTLE of Garland

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-300)** on same Bill.
Signed:
Representatives:
PRESCOTT of Topsham
TUTTLE of Sanford
VOLK of Scarborough

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-301)** on same Bill.
Signed:
Senator:
JACKSON of Aroostook

READ.

Representative PRESCOTT of Topsham moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

Representative McKANE of Newcastle **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative PRESCOTT of Topsham to **ACCEPT** Report "B" **Ought to Pass as Amended** and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR
First Day

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

(H.P. 1093) (L.D. 1486) Bill "An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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

CONSENT CALENDAR
Second Day

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

(S.P. 336) (L.D. 1103) Bill "An Act To Speed Recovery of Amounts Due the State"

(S.P. 407) (L.D. 1310) Bill "An Act To Amend the Laws Governing the Address Confidentiality Program"

(H.P. 70) (L.D. 82) Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County" (EMERGENCY) (C. "A" H-289)

(H.P. 399) (L.D. 506) Bill "An Act To Prevent the Disclosure of Student Social Security Numbers" (C. "A" H-292)

(H.P. 645) (L.D. 878) Bill "An Act To Provide a Temporary License To Operate a Public Dance Establishment" (C. "A" H-299)

(H.P. 667) (L.D. 908) Bill "An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission" (C. "A" H-298)

(H.P. 673) (L.D. 914) Bill "An Act To Make Certain Synthetic Cannabinoids Illegal" (C. "A" H-293)

(H.P. 744) (L.D. 1008) Bill "An Act To Limit the Use of Social Security Numbers by State Agencies" (C. "A" H-303)

(H.P. 835) (L.D. 1123) Bill "An Act To Amend the Motor Vehicle Laws" (C. "A" H-291)

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Prevent HIV Transmission from a Pregnant Mother to a Child"

(H.P. 532) (L.D. 702)
(C. "A" H-283)

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

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

ENACTORS
Emergency Measure

An Act To Allow the Town of Surry To Join School Union No. 93

(S.P. 244) (L.D. 800)

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. 124 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Make Minor Changes to Municipal Health Inspection Activities

(H.P. 875) (L.D. 1177)
(C. "A" H-238)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 29 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Funding for the Fish Stocking Program
(S.P. 64) (L.D. 213)
(C. "A" S-110)

An Act To Ensure Emergency Communications for Persons with Disabilities
(H.P. 196) (L.D. 243)

An Act To Enhance Enforcement of Civil Orders of Arrest
(H.P. 306) (L.D. 380)
(C. "A" H-241)

An Act To Amend Maine Law Regarding Employment Practices for Certain Minors
(S.P. 149) (L.D. 516)
(S. "C" S-97 to C. "A" S-79)

An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential
(H.P. 464) (L.D. 634)

An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies
(H.P. 472) (L.D. 642)
(C. "A" H-209)

An Act Concerning Arrests for Violating Protection from Abuse Orders
(H.P. 539) (L.D. 708)
(C. "A" H-228)

An Act To Prohibit Texting while Driving
(S.P. 228) (L.D. 736)
(S. "A" S-39)

An Act To Amend the Maine Historic Preservation Tax Credit
(S.P. 235) (L.D. 742)
(S. "A" S-116 to C. "A" S-89)

An Act To Improve Driver Education Licensing
(H.P. 555) (L.D. 748)
(C. "A" H-227)

An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills
(H.P. 580) (L.D. 773)
(C. "A" H-252)

An Act To Define "Prosthetic Device" for Purposes of Sales Tax Law
(H.P. 631) (L.D. 834)
(C. "A" H-242)

An Act To Protect Minors from Questioning by Private Investigators
(H.P. 647) (L.D. 880)
(C. "A" H-222)

An Act To Exempt Health Care Sharing Ministries from Insurance Requirements
(S.P. 296) (L.D. 950)
(C. "A" S-77)

An Act To Provide Administrative Support to the Citizen Trade Policy Commission
(H.P. 716) (L.D. 972)
(C. "A" H-249)

An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer
(H.P. 720) (L.D. 976)
(C. "A" H-243)

An Act To Amend the Depuration Laws
(S.P. 312) (L.D. 992)
(C. "A" S-105)

An Act To Clarify the Standard of Proof for Traffic Infractions
(H.P. 741) (L.D. 1005)
(C. "A" H-220)

An Act To Support Resource Sharing among Maine Libraries
(H.P. 767) (L.D. 1033)
(C. "A" H-225)

An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries
(S.P. 332) (L.D. 1099)
(C. "A" S-102)

An Act Regarding Reporting Procedures of Lobbyists
(S.P. 351) (L.D. 1151)

An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner
(H.P. 955) (L.D. 1303)
(C. "A" H-239)

An Act To Amend and Clarify Certain Education Statutes
(H.P. 959) (L.D. 1307)

An Act To Amend the Laws Governing the Handling of Medical Examiner Cases
(H.P. 990) (L.D. 1349)

An Act To Allow Police Officers To Operate Mobile Command Units without a Special License
(H.P. 1068) (L.D. 1454)
(C. "A" H-226)

An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations
(H.P. 1115) (L.D. 1512)

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, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
(S.P. 151) (L.D. 518)
(C. "A" S-108)

Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures
(H.P. 517) (L.D. 688)
(C. "A" H-189)

Resolve, To Enhance the Use of Integrated Pest Management on School Grounds
(H.P. 634) (L.D. 837
(C. "A" H-213)

Resolve, To Convene a Task Force To Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease
(S.P. 263) (L.D. 859)

Resolve, Concerning Access to the Eastern Road in Scarborough
(S.P. 367) (L.D. 1246)
(C. "A" S-111)

Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel
(H.P. 1136) (L.D. 1549)

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 Decrease the Tax Burden on Maine's Seniors

(H.P. 601) (L.D. 805)

(C. "A" H-165)

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

On motion of Representative KNIGHT of Livermore Falls, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 67

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

NAY - NONE.

ABSENT - Carey, Celli, Dion, Duchesne, Eves, Kruger, Peoples, Rochelo, Wintle.

Yes, 141; No, 0; Absent, 9; Vacant, 1; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools

(H.P. 842) (L.D. 1136)

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 68

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Casavant, Cebra, Celli, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, 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, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Chapman.

ABSENT - Carey, Dion, Duchesne, Eves, Kruger, Rochelo, Wintle.

Yes, 142; No, 1; Absent, 7; Vacant, 1; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(H.P. 1112) (L.D. 1509) Bill "An Act To Enhance Enforcement of Fish and Game Laws By Authorizing Maine To Enter into an Interstate Wildlife Violator Compact" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 298) (L.D. 372) Bill "An Act To Reduce Deer Predation" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

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

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

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

(S.P. 404) (L.D. 1301) Bill "An Act To Amend the Laws Governing Security Deposits of Workers' Compensation Self-insurers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 411) (L.D. 1334) Bill "An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 495) (L.D. 1548) Bill "An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 89) (L.D. 300) Bill "An Act To Increase the Availability of Lead Testing for Children" Committee on **HEALTH AND**

HUMAN SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)**

(S.P. 141) (L.D. 437) Bill "An Act To Reduce Motor Vehicle Inspection Costs" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

(S.P. 191) (L.D. 611) Bill "An Act Relating to Sales Tax on Certain Rental Vehicles" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 198) (L.D. 617) Bill "An Act To Modify the Process Regarding the Return of Unfit Tobacco Products" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

(S.P. 219) (L.D. 790) Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**

(S.P. 277) (L.D. 873) Bill "An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)**

(S.P. 431) (L.D. 1391) Bill "An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-130)** on Bill "An Act To Review State Water Quality Standards"

(S.P. 148) (L.D. 515)

Signed:
Senators:
SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

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

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

Signed:
Representative:
HARLOW of Portland

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-130)**.

READ.

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

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 69

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beliveau, Berry, Bryant, Chapman, Chipman, Driscoll, Flemings, Goode, Graham, Harlow, Hinck, MacDonald, Maloney, Morrison, Rotundo, Russell, Sanborn, Stuckey, Treat.

ABSENT - Carey, Dion, Duchesne, Eves, Kruger, Rochelo, Wintle.

Yes, 123; No, 20; Absent, 7; Vacant, 1; Excused, 0.

123 having voted in the affirmative and 20 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-130)** 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-130)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)** on Bill "An Act To Amend the Nonresident Income Tax Filing Requirements"

(S.P. 446) (L.D. 1440)

Signed:

Senators:
TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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-134)**.
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-134)** 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-134)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Create the State Advanced Practice Registered Nursing Board"
(S.P. 461) (L.D. 1472)
Signed:
Senators:
RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DOW of Waldoboro
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
WINTLE of Garland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-137)** on same Bill.
Signed:
Representative:
VOLK of Scarborough

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.
On motion of Representative PRESCOTT of Topsham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, 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 Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-181)** - Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)
(H.P. 250) (L.D. 308)
TABLED - May 10, 2011 (Till Later Today) by Representative WEAVER of York.
PENDING - **ACCEPTANCE OF EITHER REPORT**.
Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.
Representative McKANE of Newcastle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.
More than one-fifth of the members present expressed a desire for a roll call which was ordered.
The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.
Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This January 1, 2011, became the first time ever that it was illegal to fish in saltwater in the State of Maine without a license. I consider that a very sad day. But now we have it, it is in place, and we have to weigh up whether it is worth keeping or not. I frankly don't think it is for a number of reasons, the biggest being the fact that we have lost that basic freedom to go fishing in saltwater. But also having a state registry costs money because we are the ones who are required to enforce, administer, collect any fees, collect any data, and the $5 fee for stripers will not keep up with those costs, I believe.
There is also another bill coming along which would wipe out that $5 fee. So we have to look at what our choices are right now: We can keep this saltwater fishing registry and make it illegal for mackerel fishermen to go after mackerel the way they always have and, if they don't get their state license, they are subject to a $100 fine. Or we could repeal it and give it back to the Federal Government, and that is what started this whole thing in the first place, was that the Federal Government said, well, we're going to enact the registry, but if you enact one, we won't. The difference is that the state registry had to be much, much stricter than the federal registry. The state registry, all fishermen have to be registered. For the federal registry, only some fishermen have to be registered, those going after anadromous species of fish that spawn upstream or for those who are fishing

in federal waters. So if we give this back to the Federal Government, what are the repercussions, what happens?

Well, first of all, mackerel fishermen can fish for free again the way they always have for the past umpteen thousand years, up until January 1st of this year, as can flounder fishermen, cod fishermen, dogfish, hake, haddock, shark, goosefish, monkfish, can all continue to fish free the way they always have. Some fishermen will have to register, a few of them will have to register, and that's not us putting that fee on them.

If we keep this registry, the state registry, which certainly the people in my district and along the coast just abhor, it is an insult to them to tell them that they have to go register to catch a mackerel when the bays and the harbors are filled with them in the summer, and it is a right of passage. If we keep this thing we have to figure out how we're going to pay for it and the $5 a head for striper fishing isn't going to cut it, so where is the money going to come from that pays for the administration, the enforcement, the collection of fees, the collection of data? It is going to come out of the Department of Marine Resources somehow.

There is another bill coming along we are all looking forward to, we've been debating it all year, which would even wipe out that fee. So the entire thing will have to be paid for with existing resources, and for what? What do we get out of having this registry? I don't see it, I don't get it. We don't get anything out of this.

I hope you will follow my light on this, I hope we can send this back to the Federal Government and say, you know what, if you want this registry you administer it, you enforce it, you collect the data, you collect the fees. We're not interested. You know what? If it doesn't work out we can come back in six months or a year or five years and say, okay, we like it better having it in the state, we like it better paying for those things. But we don't have to do this now. We're not under any pressure to keep this registry enforced. I hope you will reject the Ought Not to Pass. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion on the floor and in opposition to the remarks that were made by the good Representative from Newcastle.

First of all, the House, this chamber should know that if we were to accept the Majority Ought Not to Pass and turn our registry back the Federal Government that people who are out targeting stripers or other anadromous species in our waters, we would be subject to a federal fee of $15, and that money would go back to the Federal Treasury, into the General Fund of the United States Government, and would be of essentially no value to the State of Maine.

The assertion is made that only a few fishermen would be penalized by that fee. The fact is that for 15 to 20 years the Department of Marine Resources has surveyed fishermen, people who fish in saltwater, as to what species they are targeting. Some 75,000 or more fishermen, fisher people, from the State of Maine would be subject to this federal fee because we know that that number of people are out fishing on saltwater targeting those species. Much is made of the fact that some people go out after mackerel or monkfish or whatever, but we know that 80 percent of people who are out fishing on the saltwater are targeting these species, so they would be subject to that fee.

Mr. Speaker, the members of this body should know that the Department of Marine Resources was opposed to the bill before us, wanted it not to pass, and also the committee at first unanimously voted Ought Not to Pass on this bill. And out of courtesy to the good Senate chair of the Marine Resources Committee, we agreed to reconsider in order to the let her have the vote and she did vote and a number of people went along with her on the second vote. But our first vote was unanimous Ought Not to Pass.

So Mr. Speaker, I urge members of this body to consider the fact that it wouldn't be just a few people that would be thrown under the federal bus, but the majority of Maine fishermen would be thrown under that federal bus. I urge the body to accept the original unanimous Ought Not to Pass from our committee and vote Ought Not to Pass on this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a recurring bill from last session and I happen to be one of the people who sat on the Marine Resources Committee that heard this bill previously and did not support its passage. So I do stand, it is an Ought Not to Pass so I stand as an Ought to Pass and here are the reasons why.

I believe fishing and free, I came up with a slogan. Free in ME. Pretty cool, huh? This is a tourism draw and this would be on my book that I told many of you about that I want to write, about Maine being the only state in the nation that usually we end up a lot of the times in the negative category. But this time, we could end up in the positive category. Fishing free in ME. Tourists. Fishing. Maine. The brand.

This bill is a result of the Federal Government bullying the State of Maine to enact this registry and back when this first passed, I was one of the people that sat on the committee that lobbied very hard for others to see what was really going on here. They don't have the enforcement capability and I don't believe that the priority is who is fishing for saltwater fish in the State of Maine versus other things, such as drug runners or safety concerns on the ocean, that the Federal Government has the manpower or the money for enforcement to go along the waters of the entire Maine coast. I believe that if the State of Maine said to the Federal Government bring it on, let's see what happens, I think we'd find that this is not as much of an issue as we think it is. So I proudly support the Ought to Pass on this bill. Thank you.

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

Representative **WEAVER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out to the body that there is another bill coming forward from the other body that passed the committee unanimously, Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. A good floor speech is one that you just hate to waste. So with that, Mr. Speaker, Ladies and Gentlemen of the House.

To fish or not to fish- that is the question,
Whether 'tis nobler on the shore to suffer
The fees and costs of salt water fishing,
Or to take rods against a rising tide of enforcement,
And by opposing, to end it, the fees, to pay no more.
And by pay, to say we end the registry for the natural stocks,
Their flesh is desirous-…'tis for consumption devoutly to be wished
To cast, to reel, to reel, perchance to hook. Ay, there's the rub,
For in the set of the hook, is where dreams come from.
When we have shuffled off this sandy beach,
Must give us pause. There's the respect. That makes catching of so long fish

For who would bear the foams and froth of tide?
The registry's wrong, the fish man's disgrace, the loss of one's wage, the law, to pay.
The insolence of DMR, and the turns that the Federal Government unworthily takes,
When the fisherman and his vessel make, with a bare creel?
Who would his lures bare, to grunt and sweat under a summer sun?
But from the dread of enforcement and fine,
The hundred dollars enters into a general fund from which
No money returns, sinking from view.
So we must us deny a commissioner added funding
And the increase in Department spending we know not of.
Thus conscience does make lawbreakers of us all.
And thus the native fish of state waters
The striper, with alewives, smelts and shad, and individuals who desire to wet a line.
With this new law their pockets to empty, and lose the fisher, his sense of freedom.
The spirit of Liberty, at risk, my friends
Will be simply a memory.

Thank you, Mr. Speaker.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sorry to get up again, but a couple of points that have been made. I believe the bill that Representative Weaver mentioned is LD 210. That bill simply removes the $5 enforcement. We would still have the state registry. We would still have to be responsible for the administration, the enforcement, the collection of fees, the collection of data, and anything else that goes along with this new bureaucracy.

As far as the survey done by the Department of Marine Resources as to who fishes for stripers and who doesn't, ask any saltwater fisherman what they fish for and they will say "Whatever is running." If you ask me if I fished for stripers, I'd say "Sure, if they're there I'm going to fish for them." That doesn't mean that I'm going to go after them all the time or I'm going to spend the money to go after them. But the other thing about stripers is the population of stripers in Maine waters has declined 90 percent over the past five years. They're just not migrating this far north. Now there are a number of reasons we believe that this is happening, but the bottom line is there just aren't going to be that many striper fishermen this year or next as there have been. So that $5 fee, if it's there, or the fact that we are supposedly protecting these striper fishermen is not exactly accurate. Maybe the feds could do something about that and that's where the problem is, it's down in the federal waters where the stripers are being caught illegally. But there certainly aren't as many stripers to catch and I believe those figures from the department are a bit misleading.

Just a couple of other things. It is important to remember what the penalty is with this state registry if you were caught catching mackerel without that license: $100 to $500 fine for catching a mackerel. Anyone who lives anywhere near the coast, probably anyone in Maine, knows about mackerel. They are everywhere. You can't give them away. But by god, don't you dare go after them without this state license, and that goes for all the other fish too except for the anadromous species. Thank you, Mr. Speaker.

On motion of the Representative CURTIS of Madison, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)** on Bill "An Act To Protect Owners of Private Property against Trespass"

(H.P. 442) (L.D. 559)

Signed:
Senators:
MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:
DAVIS of Sangerville
BRIGGS of Mexico
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Representative:
CLARK of Millinocket

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-312)** 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-312)** and sent for concurrence.

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

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

Representative **CELLI**: Thank you, Mr. Speaker. On the record I request that on Act 10-14 my vote be recorded as yea.

The SPEAKER: The Chair would remind members that during an emergency measure or passage of a mandate, that the votes although they are run up on the board and you get to vote yes or no, they are not actually recorded anywhere. Once we get past the two-thirds majority that I need I cancel the vote. So although it adds, for instance if your voting switch doesn't work and you stand and record your vote, it gets recorded, it gets added to the number. It doesn't truly get recorded anywhere, so don't be too concerned about that on anything except roll calls.

The SPEAKER: Finally, before we break an announcement from the Executive Director's office. With the return of spring weather, he says, I want to take this opportunity to remind everyone about the smoking policy in the State House campus. There is no smoking in the State House or the Cross Office Building. There is no smoking on the third floor porch, at the entrances of the State House or the Cross Building, the steps, the entrance plaza, and walkways to the State House or Cross Building or the State House common. In short, there are two designated smoking areas, one, at the picnic table located on the north side of the building near the Liberty Bell, and second, at the parking lot area west and south of the Cross Office Building near Jackson Street. Receptacles are provided at each of these areas. Please use them. We ask that you smoke only in the designated areas in consideration of your colleagues, the staff, and the many members of the public who visit the State House on a daily basis. With that, the House will stand in recess until 2:00 p.m.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

HOUSE DIVIDED REPORT - Report "A" (9) **Ought Not to Pass** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "A" (H-300)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-301) -** Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Permit Persons To Perform Simple Electrical Repairs under Limited Licenses "

(H.P. 591) (L.D. 784)

Which was **TABLED** by Representative CURTIS of Madison pending the motion of Representative PRESCOTT of Topsham to **ACCEPT** Report "B" **Ought to Pass as Amended** and later today assigned. (Roll Call Ordered).

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

Representative **McKANE**: Thank you, Mr. Speaker. I am against the motion here for a couple of reasons. I just want to find out where we are. This bill would allow, and I read from the amendment, incidental electrical work. It would be done by a person whose occupation involves miscellaneous jobs of manual labor. The incidental electrical work means that electrical work limited to light fixtures and switches that occurs by chance and does not require electrical installation calculations. Now I wonder, when they say just switches, I don't know why they picked just switches. Maybe they mean devices there which include receptacles also?

But a few things that we should keep in mind: The National Electrical Code is written by the National Fire Protection Agency. It is about protecting you from fires. Think about how many fires are caused by faulty electrical. Quite a few. It is also about electrocution hazards. That's why master electricians and journeymen have to take every two or three years for their license update a 15-hour code update, and the code does change. But I wonder when they say fixtures, does that also include recess light fixtures, closet lights, paddle fans, bath fans? When you start taking something down like that, you have to look at it and assess whether the work was done properly the first time. Is there a box there at all? Is it suitable for the way to the fixture? Is it suitable for a paddle fan? Nine out of ten times it is self-explanatory and I admit it's easy, but once in a awhile I would say 10, maybe only 5 percent of the time, you pull down a light fixture, you pull out a receptacle, you pull out a switch and you find a nightmare, a rat's nest, something that was done completely wrong from the beginning, has overheated, shows signs of overheating, has the wrong size conductors in it and they are reverse polarity, any number of problems.

Where it says if it does not require electrical calculations, well, first of all, how does the laborer, as it is said in the statute, know when it does require electrical calculations? Pretty much every time we take something apart, we do an electrical calculation. If I am installing a dimmer, I have to make sure that that dimmer is sized for the load. I have to make sure that the wires are sized for the load. Can you replace a 20 amp receptacle with a 15? Can you replace a 15 amp receptacle with a 20? Yes and no. When should you replace a regular receptacle with a ground fault interrupter receptacle? Sometimes under certain conditions. Can you replace a two-prong with a three-prong? Sometimes under certain conditions. Nothing is as simple as it seems. Most of the time it is very easy, a lot of the time it's not. I would submit to you that this is chancy legislation and to vote down the pending motion just on safety's sake. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We've had a long thought. You know I'm a former fireman and I will tell you I have a real fear of what is right and wrong, so I can appreciate the concerns of the good Representative from Newcastle, Representative McKane. But this bill came to us by Representative Stevens and you know the State of Vermont and the State of New Hampshire has had similar legislation on the books since the 1970s. This worked there. It allows us to get a handyman or somebody to do minor work and it has worked there, it has worked well, and why shouldn't it work for the State of the Maine?

Now the purpose of the bill is to allow contractors and persons who perform handy work to legally swap out light fixtures and light switches. We clearly defined who to do that. As I mentioned before, the proposed law would be modeled after the New Hampshire and Vermont laws on the books since the '70s, and it has worked there, why can't it work here? I mean I think this will help a lot of small businesspeople and Maine families to try to do it in a reasonable manner where the cost is not going to go out of sight.

Now Representative Stevens at the public hearing put this legislation before us because I think she expressed to us that there is a clear need. You know I'm sure that many of you have had to replace broken light fixtures or replace an aging light switch yourself. If you were not sure how to complete this task or not interested in completing this task, it is likely that your father, sister, brother or neighbor could assist you with that. If you want to do the work yourself legally you can. But this bill essentially allows us to get somebody who is a handyman to do minor work. The purpose of the bill is to allow contractors and persons who perform handyman type of work to legally swap out those light fixtures and light switches.

I know there has been a lot of talk about regulation in this session, about over regulation of the industry, and I think a lot of it is to do about money. I think from a practical perspective I am all in favor of safety. You can look at my 30 years of public service. I think I have been on the record of always promoting safety, but I think there comes a time when you have to add a little bit of common sense here, allow the average citizen to get involved and do this in a safe and appropriate manner. I think that by the way that we've amended this bill it does that. So as you noticed that Representative Prescott, Representative Volk, and I are on this issue, and we would ask that you would vote to help the little people and vote for this bill.

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

Representative **STEVENS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I submit this legislation because there is a clear need. I'm sure many of you in this body have had to replace a broken switch or a broken light fixture. If you didn't know how to do it, you could ask a family member, as Representative Tuttle suggested, you could ask your neighbor. In the likely chance that you didn't want to do it yourself, you'd have to ask an electrician to come do this task.

A couple problems arise with this concept. First, there are many towns in our great state that getting an electrician to your home for 20 minutes to do such a minor task is near to impossible. Secondly, if they are willing to come, the cost is often prohibitive to getting the job done. The purpose of this bill is to allow contractors and persons who do handyman work to legally swap out light fixtures and light switches.

As amended, LD 784 adds another exception under section 1102-A, exceptions to licensing requirements. Both New Hampshire and Vermont have similar trade-appropriate exceptions in their laws. They have been on the books since the 1970s. As amended, this language is significantly more narrowly tailored than either of our neighboring states. As amended, this language limits the scope of work to switches and fixtures only. Both New Hampshire and Vermont provide a much more carte blanche for these trade persons.

As amended, this exception would be added to a litany of exceptions to people who do not need an electrician's license to do electrical work. Currently in Maine, you do not need an electrician's license to make electrical repairs in or about industrial plants. Testing or repairing electrical equipment in a manufacturing plant, installing telephone cable, data communication, and sound equipment. Again, you do not need an electrician's license to be an elevator mechanic, an oil burner technician, propane and natural gas installers, plumbers, employees of wastewater treatment plants making electrical installations, again, do not need electrician's licenses in Maine.

Opposition to this legislation may suggest that houses will burn down. Now I'm not an expert in this field, but it is my fundamental understanding that if such extreme actions were caused by such legislation, then it would not be on the books in our neighboring states. It is our goal as legislators to help businesses and families survive and thrive. It is our duty to provide an avenue for that to happen. We should make the road easier for our small businesses and our communities who are trying to help families and trying to make a living. We all represent people who do this line of work and we all represent people who want to hire his or her neighbors for these jobs. Again, as amended, this bill provides an avenue for a person whose occupation involves miscellaneous jobs of manual labor to switch out a light fixture and switch. That is all it does. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been in the business of fixing up old buildings for 36 years. I teach house inspectors, I teach real estate agents and I inspect many houses myself. In Bangor, I found lots and lots of knob and tube wiring and it is dangerous and right throughout this state.

The problem is that when somebody fixes one piece, they don't recognize how many other problems there are in that same electrical system. It would be much easier for us if we didn't have to call electricians, but it would not be safer for the homeowner. It would advantage my business, but it would not ultimately protect the people in the State of Maine. So I really can't support this. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess my father taught me a long time ago that common sense isn't quite as common as the term implies. I know just enough about electricity being a physics teacher, to know enough to stay away from it. When I want electrical work done, I hire somebody qualified.

Are we talking about light fixtures and switches in 100 or 150 year old houses, the type with the wiring where the insulation is peeling off from age? Are we talking about a house that was built in 1950, like my old one was built when I was negative one year old, a house that has no ground wires? Are we talking about a modern house that is up-to-date and wired correctly according to today's standards?

As I said I know just enough about electricity to know enough to stay away from it and let the experts do the jobs that have to be done. It is no different than roofing. You think you're going to put just shingles on until you take them off and you discover rotten boards and other various problems that exist, and I have witnessed the same with the electrical functions.

I can remember the one at the church, the old fashioned, you dialed the switch and it clicks, hooked to wires so old that their wires are unsafe. In order to change the switch you had to change all the wiring in everything else. Done properly, this is not a job for an amateur and I say to you it presents more of a hazard than you can imagine. Just because a couple of states have similar laws, I think the term similar is the important word here. They're not exactly the same. We don't know what kind of training these people have that are allowed to do these types of simple wiring jobs, but they're not always simple and they can be difficult, you can get into problems, and therefore you're going to get into safety issues, either on the spot or further down the road. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Clark.

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know how to change a light switch and I wouldn't try, but my neighbor knows how. He built his house, he could change anything. I would trust him to do it. But I can legally change the light switch myself. I could probably burn my house down pretty easily and that is completely covered under the law. All this does is allow someone who is more qualified than myself to do the work and that is why I cosponsored this bill, that's why I support it.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is always interesting to see how the different caucuses come down on

some of these bills and I won't address that issue, but I find myself supporting this amendment. I do so because contrary to what my good friend, the Representative from Alna, said, we're not talking about fixing up old homes. We're talking about an incidental replacement on some minor level. I think of light switches and lights. As I read this, we're talking about having a working group of experts come together to decide just exactly what those things might entail.

I know one of the issues that we're facing in rural Maine and I think a lot of other folks face is the elderly that live alone and can't afford to have sometimes electricians or professionals come in and do the work that they need when they may only need just a minor thing done. We have what they call handymen who are going out representing some agencies, performing these minor situations where they need a little bit of repair done, a little bit of help, and it is saving them a lot of money and I frankly would rather have those handymen come into the home, see what needs to be done and if they find a nest, that has been described here today, they probably are going to be in the better stead to call in the experts rather than to try to make a bad situation worse.

I think what we're talking about here is some incidental repairs that could be done and probably should be done and save some people a lot of money, especially if these types of changes are going to be filtered through this working group that is indicated under this Amendment "B." So I'm going to support this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I support the pending motion and still feel strongly that this is something that I know that as I own a house and if I wanted to get a new light and put it up, that I can do that by law. That scares me very much. I don't even like going near wires for good reason. However, I know that I can hire someone down the street that knows me, offer him a couple of hamburgers and I got my new light. So I think about that and I think about the fact that I want to do it legally.

Then I think about my mom who is home living by herself, and I, like the good Representative to my left here said, when they call an electrician sometimes it takes days to get in touch with one and that when you think about a light that you bought possibly at Home Depot or Lowe's that may have cost you $40 or $50 and it is going to cost you two or three times that much for someone to come out there and put it up, then we have got to think about common sense. Thank you.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of Report "B" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 70

YEA - Ayotte, Beaudoin, Beavers, Beck, Bennett, Bickford, Black, Boland, Bolduc, Burns DC, Burns DR, Carey, Cebra, Chase, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dunphy, Edgecomb, Espling, Fitts, Flood, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Haskell, Hogan, Johnson D, Johnson P, Kaenrath, Kent, Knight, Kumiega, Libby, Long, Lovejoy, MacDonald, Maker, Mazurek, McCabe, McClellan, McFadden, Morissette, Morrison, Moulton, Nass, Newendyke, O'Connor, Olsen, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sanderson, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood.

NAY - Beaulieu, Beliveau, Berry, Blodgett, Briggs, Bryant, Cain, Celli, Chapman, Chipman, Clarke, Cornell du Houx, Cotta, Dill J, Dow, Driscoll, Eberle, Fitzpatrick, Flemings, Fossel, Gilbert, Goode, Graham, Harlow, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Keschl, Knapp, Kruger, Lajoie, Longstaff, Luchini, Malaby, Maloney, Martin, McKane, Nelson, O'Brien, Parker, Peoples, Rankin, Rioux, Rotundo, Russell, Sanborn, Sarty, Shaw, Stuckey, Theriault, Treat, Valentino, Wagner R, Mr. Speaker.

ABSENT - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 86; No, 56; Absent, 8; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 8 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-300)** 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-300)** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Improve Party Status Requirements"

(H.P. 125) (L.D. 142)

- In House, Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)** on March 29, 2011.

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - April 5, 2011 (Till Later Today) by Representative BEAULIEU of Auburn.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative CHIPMAN of Portland, the House voted to **RECEDE**.

The same representative **PRESENTED House Amendment "A" (H-184)** to **Committee Amendment "A" (H-41)**, which was **READ** by the Clerk.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, originally LD 142, came to our committee, Veterans and Legal Affairs. We worked it, got to a compromise of 12 counties. It basically pertains to party status requirements and it sets a number of 12 as a minimum as opposed to the current minimum of every county, of all 16.

It was unanimous out of committee. Everybody was on board with the number of 12 and it went through one reading here in this body with no problem, and when it went to the other body there was some objection down there to the number of 12 and it

came back here in non-concurrence. I've talked with several members of the other body and found support for a number of 14 counties, which is what my amendment seeks to do, to the minimum of 14, and so I encourage everybody to please support this amendment. Thank you very much.

Subsequently, **House Amendment "A" (H-184)** to **Committee Amendment "A" (H-41)** was **ADOPTED**.

Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-184) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-184)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-181)** - Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(H.P. 250) (L.D. 308)

Which was **TABLED** by Representative CURTIS of Madison pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered).

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Earlier when we were debating this bill, the good Representative from Newcastle did mention that stripers are in great decline on our coast and there might not be that many people targeting stripers after all. But, in fact, in that very argument, I think he indicates the need for this registry that has been put out in the first place and that is to try to get data so that we can understand what's happening to our recreational fishing stock up and down the coast. But ours, of course here particularly in Maine, we need data. That's in fact why the Magnuson-Stevenson Act was amended during the Bush era to include the need for a recreational fishing registry up and down the coast.

What has been missing in our debate here in this House, up until the moment, is the fact that this was put in place in order for us to be able to have access to better data with which to manage our fisheries. If we repeal the state registry, we may get the data but we may not because it is going to be a voluntary registry, and secondly, people who are paying fees to get into this registry are going to send all our money to the Federal Government. I find it ironic that many of us who seem to have no trust whatsoever in the Federal Government are willing to consign our Maine fishermen to their tender care. I urge you to vote against the current motion. We have a better bill coming from the other body. You have a paper on your desk that outlines that better bill which does keep the registry and does do away with the fees. Thank you, Mr. Speaker.

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

ROLL CALL NO. 71

YEA - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clarke, Cornell du Houx, Cray, Cushing, Dill J, Driscoll, Eberle, Flemings, Fossel, Gifford, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Pilon, Rankin, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Wagner R, Weaver, Webster, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Foster, Fredette, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Timberlake, Turner, Volk, Waterhouse, Willette A, Willette M, Winsor, Wood.

ABSENT - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 73; No, 69; Absent, 8; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, 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 Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-198)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives

(H.P. 33) (L.D. 40)

TABLED - May 11, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - Motion of Representative COTTA of China to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question I ask today is how often should someone be asked? The reality is the public has not had a question, a chance to weigh in on this question in 170 years. One would think that at least every century you might ask people if they think the size of their government is correct

The reality is you can look across the continents of this world and there has been dramatic change in the last 170 years. Most all of the early continental legislatures were the largest that we've ever seen in our country and the reason was because of what I spoke earlier of, they were doing their work from horseback. Since that time, except Maine, most of those legislatures have decided to reduce their numbers. Why? Because technology has allowed it. This would be a great debate to be having with the public, but the problem is we can't even have it unless we put this out and ask them. All I'm asking is maybe every century we ought to ask them that question.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree that we need to make this body here and the body down the hall more effective and efficient. Our constituents have asked us to do that. But this is the dilemma I have: State and Local Government heard four bills that were looking to change the Constitution with four different ways of changing the size of the Legislature.

My good friend, the Representative from Farmington, his bill would say decrease the House size from 151 to 131. The good Representative from Portland, Representative Hinck, said let's decrease it from 151 to 101 and decrease the Senate to 23 members. My good friend from Lewiston, Representative Carey, brought forth a bill that said we should decrease the size of the House to 101 and the Senate to 17 and change how we introduce bills in the Second Session and change the length of the session. And my good friend, Representative Valentino, from Saco brought forth a bill, LD 804, on the unicameral legislation. So you can understand how difficult it was for us on the committee to pick which one was the best.

So that's why I will support this motion, Ought Not to Pass, because I can't just throw a dart and say, huh, that's the best number and what I would suggest is that we go back, think about this, be more thorough and then maybe, in the second part of this session or in the next session, we develop a commission, some way that we are more thoughtful, more deliberative to say that indeed the Legislature can be more efficient and effective, but randomly picking a number is not the way we should be doing it. I thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once again, when we were riding in here on horseback, I just challenge my good friend from Farmington, how large was government at that time? We've grown government, we've grown government, and we've grown government. We've not grown the body.

I can say that on my own committee that we've had Representatives say that I'm going to go along with the rest of the committee on their decision because I haven't been here, because I've been too busy on my other committees, and I say to you that our work load and effectiveness is very large. Until we shrink government I'm against this. I support the Ought Not to Pass until we reduce the size of government first. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. I'm reminded of Winston Churchill saying that democracy is the worst form of government except for every other one. If the question about what was happening in the world in 1840, if we were to look across the world, we would have seen an Emperor in Japan, a Kaiser in Germany, another Emperor in Turkey. If we are going to improve democracy in the State of Maine, we need to look at all of the ways in which the people's representatives represent the people. Choosing just to decrease that number without looking how to make that job better, I don't think solves the problem.

It has been mentioned that I had a bill dealing with a similar topic and it was in fact very similar. It dealt with the two ways in which the workings of democracy, the workings of the people's representatives of governing the Constitution, the number of us and the length of the time that we serve, and it would have allowed for that length of that time to be increased. It wouldn't have defined it but would have allowed for it.

I agree with the Representative from North Yarmouth, Representative Graham, and some others who have said we need to go and spend time at looking at all the ways in which the people's representatives are able to represent the people of Maine. It is the number of us, it is the time in which we serve, it is the responsibilities that we have to oversee the executive branch as has been suggested. Doing that, looking at all those facts, we can come up with a better way to do the work of the people, just decreasing a number doesn't necessarily do that, and I urge you to support the pending motion and vote green. Thank you, Mr. Speaker.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm going to vote opposed to this because my surveys show that my constituents want me to reduce the size of the House and the Senate. So that's the way I'm voting.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have the good fortune of being able to walk my district when I campaign and when I go talk to folks. I have the good fortune of being able to show up to the local coffee shop every morning and catch a lot of the key opinion leaders from my district, talk to them about what's going on, what's happening. I have the fortune of having a lot of media outlets in my district – newspapers, television – it's all centered. So it makes it very easy for me to communicate with my district. That is not the case when you get outside of Portland. That is certainly not the case when you start going to the rural parts of this state.

You know we sit around the horseshoe and we listen to folks outline what towns they are from and I say "I'm from District 120, beautiful Munjoy Hill and downtown Portland." Then I hear other folks. I remember my good friend Wright Pinkham who was here in the House last term and he would outline, I think, 17 county townships and 18 towns. It was really a laundry list of places that people represent. Folks talk about all the town hall meetings they have to go to and it is all about being able to represent the people in that district. It would be very easy for me to support reducing the size of the Legislature because, frankly, that means I have to walk maybe 10 or 15 more streets. It's not hard. That's not the case for the rest of the state and I want to make sure that every person has the right to a true representative democracy.

I love being able to see my neighbors and explain to them one-on-one what's happening. I like to have those one-on-one conversations as I'm sure many folks around the chamber do, because that means that when I get phone calls like I did at three o'clock on Friday where someone was in a crisis situation that had nothing to do with anything that they had caused, they knew me from Colucci's. They knew that they had someone they could trust. She said," I don't know who else to call. You're the only person I know to trust." And it's because I have that one-on-one connection. I don't want to lose that in other parts of the state because I know that I'm not the only one that makes that connection with folks. I know that there are folks on both sides of the aisle that make that connection, whether it's urban or rural, and I know that in the rural parts of the state it is harder and harder and harder to get access to your legislators. We all work very busy schedules, we have a hard enough time keeping a job outside of here without adding to the burden.

At the end of the day, we are the House of Representatives. We are supposed to represent. It would be really helpful if we could continue to represent those people in an honest authentic

way so that when someone picks up the phone and they don't know who else to call, that they do have that one person that they know they can trust because, you know what? You knocked on their door, you saw them at the store, you were able to make a connection with them, because at the end of the day we are the people that the people turn to. We're the people, when all else fails, we're where they go. The buck stops here and I value my ability to communicate with my constituents and there is very little that shrinking the Legislature is going to do to stop me from doing that.

But I'm concerned about folks in the other part of the state making sure that they have access to their Representatives as well, whether you are a Republican, you are a Democrat, you are Independent, you are Green. It doesn't matter. We need to make sure that our people are able to call us and to communicate with us and I am concerned that if we shrink the Legislature those folks are not going to have any place to go. So you can do it, you can vote for it, shrink it, I'm still going to be able to knock on doors on my feet and not have to drive 300 miles to get from one place to another. It's not us that we should be worried about, it's the folks on the other side who are the ones that are supposed to call us. They are the ones that are going to end up with less representation. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I can't offer any great oratory like my colleagues, but I can only offer a couple brief points. I come from a district that stretches from Stoneham to Canada, from New Hampshire to Kingfield. I have to drive either out of state or through three different legislative districts to get to parts of my district. Now there are some other Representatives here who are in similar situations.

Now growing up I always believed in a plan called the 99/33 plan. In the early '90s some of you probably heard of it. Ninety-nine members of the House and 33 members of the Senate, and I thought it was a great idea, a smaller Legislature, more effective, more efficient. Well when I was campaigning for office a couple of years ago, I was approached by a gentleman in Kingfield and he chased me down and asked me how I felt about the size of the Legislature. I said, "Oh, absolutely cut it." He said, "I'm in Kingfield talking to a guy from Bethel who takes an hour and forty-five minutes to get here. I don't want less representation, I want more."

So it's with that in mind that if we're going to make this a more efficient body or more effective or less costly, let's cut the pay. Let's cut the benefits. Let's cut the days in session. But don't cut the people's access to this body. I have no interest in this becoming a full-time Legislature. My people don't have any desire to see us become a full-time body. So with that I think I have to support the pending motion, so I will be voting green on the pending motion.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House of Representatives. I rise today to support the pending motion. Cumberland County has 32 State Representatives. They have 12 members of the other body. Piscataquis County has two State Representatives and our member of the other body represents three counties. His district stretches almost 150 miles and that's as the crow flies.

I work as hard as I can at being a Representative. I worked as hard as I could at being a member of the other body. I believe in the personal touch. I believe in going to the Boy Scouts and the Girl Scouts Eagle and Silver awards, I believe in going to the anniversary parties, and I believe in monitoring the town meetings and doing all of those things because that's what the people, I believe, expect us to do.

If this goes through Cumberland County will go probably from 32 Representatives to 30 Representatives. Piscataquis County will go from two to one and a half. And I don't know what our Senator will do. I can't imagine.

This isn't going to save any money. We're going to have an awful lot more work to do or at least we'll think we do. We'll have to have more staff. We'll spend a lot more money and we'll be all the worse for it.

I would agree with some of the previous speakers. If we want real reform, let's reduce the number of days we meet here. Let's reduce the amount of bills that we put in. Let's make some real reforms. Thank you, Mr. Speaker, and I would ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with many of the Representatives who have spoken today, but I will support this motion for the reason of lobbying which is the intention of influencing decisions made by legislators and officials in the government by individuals and other legislators, constituents, or advocacy groups.

As it should be, lobbying is protected by our First Amendment rights. However, because it is protected and the influence of the lobbyist is not always in the best interest of the people, but the vested interest by which they earn their living, we the people should think very hard about the individuals we place in positions of power and how they may be influenced by these efforts.

This legislation, as presented, makes the job of lobbying much easier with fewer individuals to solicit and convince that the issue du jour is worthy of support and should be forefront of the attention of the Legislature. It may save a couple of bucks in the long-run, in the short-run I don't think. In the long-run I think this is very, very bad legislation.

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. I will be voting for this motion of Ought Not to Pass. I represent quite a large district. I have talked with some people who live in the cities and they can do their campaigning and meet their people within a month and a half or two months. I start my campaigns in the month of May and when I am visiting my districts in a campaign, I travel more than 2,500 miles. There are four school districts in my House District. There are five towns, that's five boards of selectmen, two counties, and you have a lot of activities going on in those towns and I try to stay connected. I am there every weekend to at least one of those towns. These people like to see their Representative there.

If my district was any larger, I don't know how some of these people from Penobscot and Piscataquis and Washington County do it. The district that I represent, House District 87, takes a lot of work and a lot of time to do the job right, and I will be voting green on this bill.

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. While campaigning this year, this issue came up frequently and a number of folks actually were surprised that we haven't sent this to the voters.

I will be voting today in opposition to the pending motion and

if my calculation is right, I think we are talking about adding around 1,000 more people to each of these districts. So in thinking about that, that's actually roughly the population of Cornville. For folks who don't know, Cornville is a town next to Skowhegan. It shares the zip code with Skowhegan. It actually falls in the good Representative Cray's district, but having the joy of having the same zip code and coming to Skowhegan for the same services frequently, people just contact me. So I will be voting for this pending motion. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise in support of the pending motion and I do so, in part, because I do represent one of the more rural districts in CD 1, including an unorganized territory and three towns. And for me the passage of this bill is more than adding a few streets. It really is adding towns. And that's true for many of us in this chamber.

But I think more fundamentally I am against this reform because it would do away in a small way with the direct democracy that this body represents, at a savings of only 50 percent, 50 cents per Mainer. I don't think 50 cents per Mainer, given the fiscal note and the savings in it, is worth the erosion of direct democracy that this constitutional resolution represents.

I'm concerned also that the bill as written would only do the easy part, that it is the equivalent of eating dessert first. There are harder reforms that we do need to take on, more politically challenging votes that we do need to discuss that would help this body to do its work better. We need to address the issue of term limits and the impact that that has had. We need to talk about pay. And we need to create a package that Maine people can support and that would truly make this a better body, a better people's house.

There will be other measures coming before us that would have greater savings. I, for one, will not be here in this body if and when this measure takes effect. So it would be very easy for me personally to vote against the pending motion, to allow this to go into effect, and to let others add the towns or add the streets. I'm not prepared to do that. I think that the bill coming before us relating to whether we have two legislative bodies or one might be a better way to go, and for that reason I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. One reason, the people need to weigh in. That's what this does. We're not voting to reduce the size of the Legislature. We're letting the people vote.

Now I agree. I am against reducing the size of the Legislature, but the people need to weigh in. The reason why I am against that is because of the reasons mentioned by the Representative from Bethel and the Representative from Sangerville, as well as the Representative from Skowhegan. But it is so important. We don't share too many decisions up here with the people of Maine, but I feel there is a need, especially with something like this, where there is such discontent in what we do of government that we need to be sharing as much as we can and to empower the people to vote. This is what this does. I suggest that we vote Ought to Pass. Vote red so that we can send this issue to the people. Thank you, Mr. Speaker.

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

ROLL CALL NO. 72

YEA - Ayotte, Beaudoin, Beavers, Berry, Black, Boland, Briggs, Cain, Carey, Cebra, Celli, Chipman, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Davis, Dill J, Driscoll, Dunphy, Espling, Fitts, Fitzpatrick, Flemings, Fossel, Fredette, Gifford, Gilbert, Goode, Graham, Guerin, Harlow, Haskell, Hogan, Innes Walsh, Kent, Knapp, Kumiega, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Martin, McClellan, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Pilon, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sarty, Shaw, Stevens, Stuckey, Theriault, Tilton, Timberlake, Turner, Wagner R, Weaver, Webster, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaulieu, Beck, Beliveau, Bennett, Bickford, Blodgett, Bolduc, Bryant, Burns DC, Burns DR, Chapman, Chase, Clarke, Cornell du Houx, Cotta, Cushing, Damon, Dow, Eberle, Edgecomb, Flood, Foster, Gillway, Hamper, Harmon, Harvell, Hayes, Herbig, Hinck, Hunt, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Kruger, Lajoie, Malaby, Maloney, Mazurek, McCabe, McFadden, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Plummer, Prescott, Rioux, Sanborn, Sanderson, Sirocki, Strang Burgess, Treat, Tuttle, Valentino, Volk, Waterhouse, Welsh, Wood.

ABSENT - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 80; No, 62; Absent, 8; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 62 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)** on Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"

(S.P. 82) (L.D. 273)

Signed:
Senators:
RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough
WINTLE of Garland

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

Signed:
Representative:
DOW of Waldoboro

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-118) AS AMENDED BY SENATE AMENDMENT "A" (S-132) thereto.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-118)** was **READ** by the Clerk.

Senate Amendment "A" (S-132) to **Committee Amendment "A" (S-118)** was **READ** and **ADOPTED**.

Committee Amendment "A" (S-118) as Amended by Senate Amendment "A" (S-132) 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" (S-118) as Amended by Senate Amendment "A" (S-132)** thereto in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 180)

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

May 23, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:
Pursuant to my authority under House Rule 201.1(I), I am rescinding the appointment of Representative Frederick L. Wintle of Garland to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and replacing him with Representative Andre E. Cushing III of Hampden.
Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Child Support Enforcement"

(H.P. 97) (L.D. 115)

Signed:
Senators:
HASTINGS of Oxford
BLISS of Cumberland
WOODBURY of Cumberland

Representatives:
NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)** on same Bill.

Signed:
Representative:
DILL of Cape Elizabeth

READ.

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

CONSENT CALENDAR
First Day

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

(H.P. 935) (L.D. 1276) Bill "An Act To Increase Efficiency of the State Court Library Committee" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1013) (L.D. 1374) Bill "An Act To Protect Seniors and Incapacitated or Dependent Adults from Abuse" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 725) (L.D. 981) Bill "An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

(H.P. 743) (L.D. 1007) Bill "An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)**

(H.P. 970) (L.D. 1324) Bill "An Act To Create Consistency and Fairness in Maine's Bottle Bill" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)**

(H.P. 1020) (L.D. 1387) Bill "An Act To Restore Exemptions in the Natural Resources Protection Act" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)**

(H.P. 1055) (L.D. 1434) Bill "An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program" (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)**

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, 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 (13) **Ought to Pass as Amended by Committee Amendment "A" (H-196)** - Minority (12) **Ought to Pass as Amended by Committee Amendment "B" (H-197)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** and Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Adjust Composting Limits for Farms

(H.P. 713) (L.D. 969)

TABLED - May 11, 2011 (Till Later Today) by Representative HAMPER of Oxford.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-196)** was **READ** by the Clerk and **ADOPTED**.

On motion of Representative HAMPER of Oxford, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-196)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-233)** to **Committee Amendment "A" (H-196)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. The amendment that I am alluding to here adds an emergency preamble to the bill. It changes the cubic yards allotted in this from 100 down to 60 cubic yards and also puts DEP at the table in developing rules concerning compost. Thank you, Mr. Speaker.

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 will leave my hands off of the button on the microphone. I rise today in support of the pending amendment and am very excited to see us move forward on this issue, having discussed this issue both this session and last session. I hope that folks will follow all of our lights on this joint committee and support this amendment. Thank you very much.

Subsequently, **House Amendment "A" (H-233)** to **Committee Amendment "A" (H-196)** was **ADOPTED**.

Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-233) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-233)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements" (EMERGENCY)

(H.P. 105) (L.D. 123)

TABLED - March 10, 2011 (Till Later Today) by Representative HASKELL of Portland.

PENDING - Motion of Representative PLUMMER of Windham to **ACCEPT** the Majority **OUGHT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 123, "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements," is a bill that seeks to exempt small businesses that operate on a seasonal basis from the requirements to install fire sprinkler systems.

In particular, we heard from a business in Abbot, Maine. I have never been to that particular business in Abbot Village, but I have been to Abbot. I will leave it to Representative Davis of Sangerville or others to give us the details about that particular business.

I will tell you that the business is only open seasonally, I believe during hunting season. I will tell you that this business employs a dozen or more people. I will tell you that this business cannot afford to pay the estimated $35,000 to $40,000 to install the required system. I will tell you that I believe that this business in Abbot, Maine, will be forced to close and eliminate those jobs if this bill does not pass.

One opponent of the bill told us that this is only a few jobs and she believed that the workers could probably find better jobs anyway. I don't think finding other jobs in this economy is easy anywhere, especially in the rural areas of Maine. It is true that it would be difficult to make enough money from these seasonal jobs to live on for the entire year, but these jobs could provide enough money to supplement the incomes from the other job or two jobs that these people work. It could provide money to provide school clothes for the children or help to buy fuel for the winter heating season.

I am disappointed that the current rules do not allow the opportunity to provide alternate ways of increasing public safety in existing businesses. Could more exits make a difference? Could the tables and other furnishings be arranged in a way that would allow people to safely exit the building? If this bill fails, we will not know. Please stand up for the small businesses in Maine and please vote for LD 123.

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

Representative **HASKELL**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. With all due respect to my colleague from Windham, there are a few other details to understand about the seasonal operation of these facilities, these facilities that operate seasonally and what is being required of them. You have to understand, I think, a little bit of history about the fire code.

The fire code which we have currently adopted here in the State of Maine was a national code which came about sometime in the mid to late '90s. But because that fire code was fairly complex and did have a lot of impact, we waited. You can be sure that folks around here knew that that code was coming. But we waited until 2006 before we actually adopted that code and that fire code was designed to provide safety – life safety.

There are restrictions in here which are hard for some businesses to comply with. Having to put in a pressurized sprinkler system in that facility in Abbot, I think, would be cost prohibitive, but our Fire Marshal's Office has taken a view of these things that is far more friendly, business friendly.

Let me tell you some of the ways in which some of this cost can be overcome or some of the ways in which this business could become exempt from those requirements. First of all, to

reduce the cost, there certainly is an insurance premium advantage to having sprinklers in your building. I understand this business is self-insured so that didn't really make a whole lot of difference to them.

But there are other ways that you can exempt a business of this sort. One of those ways is changing the number of exits. One of the ways is making sure that the doors at the top of the stairs, if you think of a lot of these facilities where there is a furnace and electrical in the basement, having a fire door at the top of the stairs is an extra advantage. These are things which give you credit within the Fire Marshal's Office, which would perhaps sway you over to not needing to put in that expensive system.

The finish on the walls is another critical piece. If you think about whether or not they have sheetrock on those walls or whether they have that old bead board that is shellacked, the potential for a fire to move through a building like that is greatly expanded, and so they give you credit if you've got a different kind of finish on the wall that helps to suppress a fire.

The next thing that they did and that they have offered to businesses of this sort, these small seasonal businesses, is that you don't have to install this pressurized system. You can use the type of a system and I'm not an expert on them, but I know there are a lot of people here who have seen them. These are the ones that have tanks, they are low pressure systems, they don't require a pressurized system. That system is probably somewhere between $4,000 and $8,000, not $30,000 and $40,000. That is a much smaller investment when you think of what it's going to do to save lives. Beyond that you can be exempted if you have fewer than 100 people there. If you think of some of these facilities and more than 100 people there, you can understand that they are jam packed. Getting them out is an issue, but this business has decided that they want more than 100 people.

The other element in which the Fire Marshal's Office would give credit would be if this was not a band playing at night when the lights were dim. If you've got a gathering, a reception, a wedding reception and you've got a couple people up there singing, then they wouldn't fall under this requirement. Not only that, but the Fire Marshal's Office has given these businesses five years to come into compliance. Those are a lot of opportunities that have been provided to these small businesses in order to be able to meet a very basic life safety code. Over that five-year period, the Fire Marshal's Office has indicated to us that there were fewer than one percent of these buildings that have not complied at this time. So we are being asked here to pass a bill for one percent of these small businesses.

If you think in your district of the number of businesses who recognize these advantages, who made the changes, who paid the money and now we're being asked to exempt a very small number of these businesses and we're being asked here to make an exception for these people because they are open less than 50 days. Frankly, I can't imagine what difference it would make if it was my son and daughter-in-law going to a dance in a place that was open full-time and a place that was open 50 days, whether I'd want them to be able to have adequate, appropriate and fairly modest life safety values provided in that institution. So I urge you to vote Ought Not to Pass, reject the current motion so we can eliminate this bill. Thank you, Mr. Speaker.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Maine House of Representatives. My good friend from Windham did a fine job presenting the case for this bill and I will try to add a little bit to that.

Mr. Speaker, shortly after being sworn into office last year, I was approached by a lady, a neighbor, who is about a mile from me, and she told me she was going to lose her job running a local restaurant and lounge that is only open for a short time each year, most of it is during the hunting season. She told me the reason for the loss of her job. It was because there was a new requirement, or at least a relatively new requirement, that a sprinkler system be installed. Because of the low profit margin and the high cost of the system, the owner of the business had decided to close the business rather than spend his money on the sprinkler system.

Mr. Speaker, this means the 12 or so people is Piscataquis County will not have the opportunity to work in this seasonal business again. Now these aren't big paying jobs, $400 or $500 a week. As I said there are around 12. Not all of them but the majority of them are women and they are open, for the most part, from sometime in October through the end of the hunting season. They are open also, have been in the past, on Memorial Day weekend and I think they have been open on Labor Day weekend. Twelve jobs.

My good friend from Windham spoke of how some didn't think it was a big deal. Well, let me tell you, Mr. Speaker, in Piscataquis County 12 jobs is 12 jobs and we can't afford to lose any jobs. Our population has dropped in the last 10 or 15 years. Our young people are leaving in droves. As I've said before, about the only going business up there is a company that makes "For Sale" signs or they are mowing lawns and things. These jobs mean a whole lot more in Piscataquis County than they do in some of the wealthier areas of the State of Maine.

Just to add that little bit, Mr. Speaker, for 14 years, almost 14 years, I've either been a member of the Legislature or had to sit out because of term limits for a couple of years. During that time I have seen a constant downward spiral of our economy in central and northern Maine. I have had the dubious pleasure of attending the last two Chief Executives of our state to different industries who were announcing they were going out of business. Dexter Shoe, Great Northern Paper, Pride Manufacturing, Moosehead Manufacturing, Fay & Scott, just to name a few. All those jobs are gone. An awful lot of those people wound up on my doorstep seeking my help, and that's tough, especially when you know you can't do very much for them. But I've done my best. As I said in an earlier speech earlier this afternoon, I believe in the personal touch, and I've gone to the unemployment offices and I've gone to the training centers and I've done everything I could do to help my people.

Now I don't want anybody to get me wrong about sprinkler systems and the effectiveness of them. I know they bring safety. However, if there aren't any businesses to put these things in, what good is the law? This law went into effect, actually the policy the Fire Marshal's Office wrote is dated January 30, 2008. Now I want you to understand there is already numerous exemptions in the law. The current law allows – and I will read, I am quoting the law here – "for such things as noncommercial places of assembly that are used for such things as deliberation, worship, entertainment, amusement, or places awaiting transportation." This means that there are many, many buildings in the State of Maine that are exempt from having a sprinkler system. Many of them. Grange halls, snowmobile clubs, Elks lodges, Masonic halls, and on and on.

Let me read to you the policy towards some of the functions that go on in these different locations. We're talking about banquets such as wedding banquets, a very specific banquet

event, and for a banquet a meal is the focus. It is exempted. Nightclubs where only a single entertainer or a couple is performing and there is no promoted dancing will be exempt. Private clubs will be exempt as I just told you. Now I don't know how many of you folks have gone to a Saturday night wedding reception in a Grange hall or a Masonic hall. I've gone to a lot of them. Usually I was wearing blue, the Maine State Police, when I did, and when I go over there I wasn't doing any dancing to say the least. It's a good thing. I can't dance. But I don't think there is any more danger in a Grange hall than there is anywhere else and certainly more danger at the Wagon Wheel up in Abbott Village. The county grange hall or the snowmobile club doesn't have to have a sprinkler system.

Now this bill has been on the table for a long time and there has been a number of attempts for compromise and sadly there hasn't been any fruit of those attempts. So I ask you today, my colleagues, vote to pass this bill and allow this little business and allow little businesses all across up and down our state to stay open and save these jobs. Mr. Speaker, when the tally is taken of the yeas and nays, I would ask for a recorded vote. Thank you.

Representative DAVIS of Sangerville **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Haskell went through it pretty well. Number one and I will be very honest with you, I don't even know what this bill is doing in this House of Representatives. When this bill first came up, which was at the beginning of the session, the chair of our committee made a statement. The statement was that this committee was here to look at the issues and put bills through that involve all the people and not singling out any individual business and/or person. However, here we are, the bill is here today. It only identifies one area and that is that particular area where there is dancing or music and so on.

I don't discount the fact that people want to go out and have a good time. I do it myself. However, I will tell you, and of course it could be because of my background in the fire service, that whenever I go into one of these establishments I look at what the fire safety conditions are, whether they are full stations and whether there are fire extinguishers or whether they are sprinkler systems, and then I feel comfortable that I am in an area that would be protected should something happen.

Prior to being in the fire service I was a small business owner myself. I owned two small businesses. One thing that is not fire related, however it is fairly close to it, is in my automotive business. When I first started my liability insurance to run the garage was $500 a year. Three years down the road I have a bill that comes in, it is $1,500. So I call up my insurance agent and I said to the insurance agent "What the heck is going on?" He said, "I don't know. Let me look it up." So he came over, we sat down, we talked about the situation. Come to find out because I was operating a repair shop or a repair garage and I had my technicians as well as selling cars, I was put in a high-risk pool, and I said "Look at my place. It is spotless. I've got everything that I need and I haven't had an accident or anything." He said, "It doesn't make any difference, Mike. He said, "You're in a high-risk pool. It's going to cost you $1,500."

So I had a choice. My choice was go out of business, I suppose, or not pay it and then go in to insure myself and then I'd be up for the liability incurred should something happen to one of my customers while out on the road after we repaired the vehicle and/or one of my customers that was in the shop. My concern there was for my customers as well as my mechanics and myself and my family in a liability situation. So therefore, I made a decision to take the extra $1,000 which I had to reassess my labor charge and move forward and purchase that insurance. That's a decision I made. If I wouldn't have made that decision, yes my mechanics would have been out of work. However, it would have been my decision. It wouldn't have been the insurance company and/or, in this case, the fire marshal's situation that he's putting people out of business. This is the individual. They run the business and make a decision of what he's going to do, the proper thing or not.

Moving on from there, I was in the fire service, as you know, and I became chief. While being chief I reviewed many, many, many fire codes and reviewed plans. As when I was in business, had I told you that I had three choices, that was either work with the system, ask for help, which I did at the time, extra attention for payment, or not want to do it at all. I found that in the fire service I had the same situation, ladies and gentlemen. I would sit in front of businesses and there were three situations. The first one was they were able to come to code because they had enough funds to take care of it and/or they could get a bank loan to take care of it within a very short period of time. The second one which was a little more difficult, however it was workable, is the fact that I gave them, as the Fire Marshal's Office will give, an extension of up to five years as long as they have a plan of action and we check with them every so often. I understand this has been going on with this particular issue for four years. The other and third is the individual that just doesn't want to do anything. Apparently he really doesn't care about the liability issues and/or really doesn't care about the customers that come into the building.

So with that I really don't believe that this issue belongs here. It belongs at the Fire Marshal's Office. We're not here to micromanage the Fire Marshal's Office. We have an oversight committee that can take of that. This issue belongs with the Fire Marshal's Office with the owner of that building. If the owner of that building wishes not to do anything and not work with the Fire Marshal's Office, then that's a decision he makes. It is not the Fire Marshal's Office that will relieve these individuals of their jobs not to feed their family. It would be the individual that made that decision, not what he was asked to do. Thank you very much.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I rise in opposition to the pending motion and as others have said here today, the Fire Marshal's Office works with companies who need assistance in finding the least expensive solution for sprinkling their facility. There are other options available to this particular establishment and the Fire Marshal's Office has tried to work with them and they have had five years to comply.

What was interesting to me is that the owner of this business didn't even come to the public hearing. It was the worker. I would think this worker deserves to work in a safe environment and their families. Also, there were so many ways that they could comply with the law just by having a smaller band. I mean if there is loud music, drinking and it is dark, you definitely need some safety precautions put in place.

Most importantly, I feel that it sets a bad precedent because all of the other businesses have had to comply with it, but now we say that one business doesn't have to. But to make exceptions, it sends the wrong message to all these other businesses.

Our committee is Public Safety and I feel we have a commitment to protect the public and this is what I feel that we should do and they've had plenty of opportunities. I feel that those jobs are important, but they need be, just should be safe jobs as well, and I urge you to vote in opposition to the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. To be clear, the system that the Fire Marshal is requiring this business to install is not meant to save property. It is meant to save lives. It is sized to suppress a fire long enough for the people that are inside the building to get out.

A couple of weeks ago we discussed a bill and the sponsor acknowledged that there were some problems with the bill and expressed a desire to come back with some legislation to fix those problems. We're not going to have that chance with this bill. Either if we pass this bill, one of two things will happen. Either we will get lucky and nothing happens or there is a fire and people die. It is pretty much as simple as that. Thank you, Mr. Speaker.

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

Representative **CLARKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak in opposition to the pending motion. These life safety codes were established based on the misfortune of others.

With over 25 years of firefighting experience and a paramedic, I have had the misfortune of being burned. I have worked in the big city, small city, and have volunteered in a small town. Burns are extremely painful and no matter where you receive them or how you get them, they hurt. I have experienced the screams of burn victims and the smell of burning flesh. I have carried the remains of a burn victim from a building and out of the rubble.

With proposals and cuts to the State Fire Marshal's Office and the difficulty that volunteer fire departments are now having filling their ranks, the consequences for passing this legislation are potentially disastrous. It is not a matter of if a disaster is going to happen here, but when. This bill is not about jobs or small business. This is about the people of our state.

I frequently hear the term here in the House of Representatives of "responsible stewards." In fact, in a recent opening prayer "responsible stewards" was utilized in a number of phrases. I assure you that this legislation is not responsible. Ladies and Gentlemen of the House, I urge you to vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

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

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: Mr. Speaker, if this bill is passed, will insurance companies write a policy for the facilities of those businesses that take advantage of this opportunity? I ask this because as I remember last session a bill was passed that allowed two flues to go into a single chimney flue, two burning devices allowed for a flue to go into the chimney. Insurance companies, I am being told, aren't writing policies on those houses that accepted that opportunity.

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative **LAJOIE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In a situation as such, I cannot speak for the insurance company personally because I'm not in insurance, however I will tell you this, the two things or three things.

One, if you do not have the proper protection as required, which in this case is sprinkler systems, the insurance company, and especially being in a conditional operating terms which would be seasonal, more than likely would charge an extremely high deductible for insurance costs or not insure the building at all. However, with the proper safety features such as the required sprinkler system, not necessarily the pressure one, however the lower cost one, the insurance would be more likely to insure that particular business due to the efforts they put forward for the safety of its customers.

Representative CURTIS of Madison **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure I can add much to this debate. This debate is basically reiterating the things that were said in committee with the exception of the statement that was made about the jobs that were being lost, which was very unnecessary, very inappropriate, and very offensive that those jobs weren't that important. These are important jobs. I think we have to have a balance here.

I have great respect for the people on my committee, their positions, their expertise, especially when we're talking about the fire services. I listened to them very intently because I know that expertise draws from the experience that I don't have personally. But I voted the way I did on this and I'm going to also vote consistently with my vote on the committee, because I think it is necessary to strike a balance here. We're not asking for anything different as has already been stated here than what we do in our town halls where we meet with groups, a crowd, and we don't necessarily in the small communities, we don't necessarily have sprinkler buildings. I don't think anybody is going to intentionally run a fire trap. I don't think anybody is going to intentionally go into these facilities during this 50-day period we're talking about.

If they think that there is going to be a fire hazard or fire safety, there are other things that can be done. We know that to be true. In fact, it has been testified here and I've heard from the Fire Marshal's Office that they will work with you. There are reasonable options beyond adding a $40,000 sprinkler system that will make it perfectly sensible and perfectly acceptable. I ask you too to strike that balance. This is not an unreasonable request. This is something that has worked for many, many years. This isn't a large big facility where we put hundreds of people in and have big rock bands and concerts, like was talked about during the committee sessions. I think it is certainly an exaggeration to say either we turn this bill down or something is going to burn. I would ask you to use common sense on this. This is a reasonable exemption. It is 50 days and is very important to the area that it is going to serve as well as many other areas, such as the area that I live in. I ask you to follow my light. Thank you, Mr. Speaker.

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

Representative **LAJOIE**: Thank you, Mr. Speaker, for the second time. I appreciate that. Mr. Speaker and Ladies and Gentlemen of the House. We continue hearing about a $30,000 to $40,000 sprinkler system and we were told and it is right in the book the Fire Marshal sent with us, that where fire sprinkler

systems are required, in nearly all cases we will allow the use of state fabricated fire sprinkler standard called the Maine Life Safety Standard, which was developed as an affordable option to other standards. That particular standard is between, I believe, what we were told from the Fire Marshal's Office, and it depends which area that they cover and it is usually the area where the dancing and the music will take place, is $8,000 to $12,000. That is a far, far cry from $30,000 to $40,000. Let's say at $10,000, $2,000 a year, this particular business can take care of it in five years. Now come on.

Anyway the other thing that I just wanted to leave you with is that I suppose I could say, hey, go ahead and do whatever you want. However I don't feel that way. What we do in the fire service is we look at a number of issues. One of the biggest issues that we look at is life safety of the individuals that frequent different establishments. That is one of our primary thoughts. The secondary one, of course, is for the owner and tries to put them in the position where the liability issues will not hit him and/or her and their families.

The third thing I would like to leave you with is that fire has no conscience, has no sense of time. Whether it is weekly, monthly, annually, seasonally, it will strike when it strikes. It is not pretty. When it strikes it brings a couple of friends along and one of them is called smoke, the other one is heat. The fire doesn't usually get to you first, the smoke gets you first. It is putrid, you can hardly see, your eyes burn, you start coughing, you get disorientated, you don't know where you're going and you'll step all over anything, tables or what have you. So therefore confusion sets in and people get trapped.

The fire service, even in my city of Lewiston, in a situation such as this, may not even get there in time, which is a four-minute response time, we'll say up to six minutes, so let alone – and there is nothing wrong with volunteer fire departments – but let alone a small fire department where they have to wait for their driver to come in and then the individuals to respond. So I ask you please follow my light on this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 73

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knapp, Knight, Libby, Long, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Parker, Parry, Picchiotti, Plummer, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cushing, Dill J, Dow, Driscoll, Eberle, Flemings, Flood, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Olsen, Peoples, Peterson, Pilon, Prescott, Rankin, Richardson D, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 67; No, 75; Absent, 8; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 510)

ORDERED, the House concurring, that Bill, "Resolve, To Authorize the Exchange of Certain Lands Owned by the State," S.P. 341, L.D. 1132, 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.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 19, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution"

(H.P. 957) (L.D. 1305)

- In House, Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** on May 16, 2011.

- In Senate, Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - May 18, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative CAREY of Lewiston to **RECEDE** and **CONCUR**. (Roll Call Ordered)

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted an opportunity to speak on the substance of this bill before we sent it back to the other body. You know this is a rare opportunity where the left can meet with the right. We seem to have a few of those this year which is kind of funny.

This is a bill that would essentially make sure that when we send our National Guard troops overseas that we do so with their best interests at heart. We have sent our National Guard troops overseas on a few occasions without actually declaring war, and I believe, as our founders believed, that our National Guard is here for the protection primarily of the state. It is here for the protection of our people and it should be called up entirely under extenuating circumstances. We saw when Hurricane Katrina hit the Gulf Coast that their National Guard was unable to respond to that natural disaster because, ultimately, their National Guard was overseas. We have an opportunity here to protect and embrace and thank our National Guard and make sure that the Federal Government actually sends them, calls them up under the circumstances decreed by the Constitution, one of which is that we actually declare war.

The other piece to this is that we were informed this year, our committee – I serve on the Veterans and Legal Affairs Committee

– we were informed that this has traditionally been a strategic force, meaning that it is called up under extenuating circumstances. We were informed this year that is now an operational force and what that means is that our National Guard, our state militia, has effectively been federalized, and yet we still are seeing and watching our armories fall apart. Our National Guard continues to have to sell off our armories in order to pay for the maintenance and the upkeep of the other armories. So I believe that we have an opportunity here to actually stand with our National Guard and to ensure that when we send our young men and women overseas, that we are doing so at a time when it is morally appropriate to do so.

Our founders took great care to make sure that our states had a militia, had the protection, and to federalize our state militia without any consultation with us, basically is the Federal Government telling the states that not only do you not have the right to have your National Guard when you see appropriate, that we are able to take your young men and women and to send them wherever we see fit, and to do so without actually following the protocol outlined in the Constitution of the United States. So I know this is an odd vote for a liberal lefty to take, sort of a state's right position. But I believe that if we are sending our young men and our young women overseas to die in conflicts, that we should make sure that we are doing so under the provisions outlined carefully by our founding fathers when they wrote the Articles that we now follow as the Constitution.

So I want to thank very, very deeply my good friend, Representative Libby, for bringing this forward because I think that this is an important discussion, it is an important debate, and we sit here every day talking about how we're going to allocate resources. The Appropriations Committee is downstairs trying to determine how we invest in things like education and weatherization and making sure that we are putting roads out there. Meanwhile we're shipping billions and billions of dollars overseas at a time when our young people are dying in a war that many of us don't necessarily agree we should have been in. In some cases, we haven't even declared war.

So thank you, Mr. Speaker, for your indulgence. Thank you, Members and Men and Women of the House. I will be voting red, I believe, on this motion and I hope folks will consider doing so and when they do so, consider whether or not it is appropriate for us to be sending our young men and women overseas into harm's way or whether we would be better served to have them right here at home protecting the home front, which is precisely what the National Guard was set up to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do believe this is a constitutional issue and I do believe this debate is good to have. The Constitution is very specific when it declares how to declare war and how those manners are to be acted. Had we not been following that, obviously we haven't declared war since World War II.

That being said, that was one of the reasons why I put this legislation in. There are many similar legislation in the last couple of sessions as well as in different states too. You know there is obviously the finance from the federal, but I think that is kind of half the point, is that the federal does pay for our National Guard and we are not in control of it when the Federal Government wants it. I do believe they stand on constitutional ground with the U.S. Constitution and the Maine Constitution. I thank you for your time.

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

Representative **DAMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise because I hear this discussion going on as a member of Veterans and Legal Affairs with Representative Russell and this discussion is near clear-cut. But some of what I heard here today, I feel, needs to be rebuked a little bit.

First of all, I would say that the Maine National Guard is not a militia. It is a military mission. It is unique in that it has a dual mission, a state and a federal. The state mission is not one to sandbag and clean up, but it is to protect our shores when called upon by the Chief Executive within the boundaries of the State of Maine. However, the training they receive, the equipment they receive, the pay they receive, is all borne by the federal military component. These men and women are the same as what you see on an active military base. They fly the same airplanes, drive the same tanks, repair the same equipment, receive the same rate of pay as any other member service. They are war fighters. That is why they are here. That is why the Federal Government pays to keep them up to speed. They house them in the various 50 states and they do, as I said, have a state role to some degree.

However, when they are called upon by the Federal Government to complete a military mission or to participate, they do so because the Constitution has organized our federal forces in such a way as they respond to the President and our senior military leaders. Without consultation of the state is not how they are used. We have an entire component that liaises daily, that trains with, that works with, and that helps them find missions that are appropriate. Our National Guard men and women are among some of the very finest military people in this country and they work that way. It cannot be held as a militia force. That is a force, I think, of men and women that put themselves out in the hills and don't respond to the rule of law. These are just the opposite. They are guided by strong principle and I do not think they should be referred to as militia but as our military. Thank you.

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

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was just sitting here wondering what it would be like to sit in Appropriations as they go over the National Guard budget, when they are requesting, say, $20 million for three Blackhawk helicopters, $600,000 for a Buffalo. Oh, and the pay and all the other benefits of human resources that our guardsmen receive. Our National Guard are citizen soldiers.

Something else you need to think about, without the National Guard, get ready for all your young men to go down and get that selective service card and they actually have a draft with that card. Right now our National Guard enables us to have an all volunteer army. I think those are two very good reasons to vote green on this bill. Thank you.

Representative CROCKETT of Bethel **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 74

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

NAY - Boland, Burns DR, Davis, Dunphy, Gifford, Harmon, Kent, Libby, McClellan, O'Connor, Russell, Sirocki, Waterhouse.

ABSENT - Casavant, Cebra, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wintle.

Yes, 128; No, 13; Absent, 9; Vacant, 1; Excused, 0.

128 having voted in the affirmative and 13 voted in the negative, 1 vacancy with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-256)** - Committee on **TAXATION** on Bill "An Act To Provide Economic Incentives to Businesses for the Collection of State Taxes"

(H.P. 896) (L.D. 1205)

TABLED - May 18, 2011 (Till Later Today) by Representative KNIGHT of Livermore Falls.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-256)** was **READ** by the Clerk and **ADOPTED**.

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

Representative O'CONNOR of Berwick **PRESENTED House Amendment "A" (H-302)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment changes the amount that may be retained by the retailers. What this does is give each one of these retailers or merchants the ability. They have to collect all sales taxes and use taxes for the State of Maine. They are not paid for this at all. What this does is allow them to keep a quarter of a percent of that five percent tax.

This is very good for business and just think of yourself doing a job that you do all the time, you are forced to do that job. If you do not comply with that job and you do not submit the required paperwork on time, you are fined. If you don't submit that paperwork or that money at all, then you can go to jail. What this does is it gives the retailers the opportunity to keep a quarter of a percent of that money for their administration fees. Thank you.

Subsequently, **House Amendment "A" (H-302)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-256)** and **House Amendment "A" (H-302)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Timber Harvesting on State Land"

(S.P. 102) (L.D. 340)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 19, 2011 (Till Later Today) by Representative CURTIS of Madison.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 340 is a bill that is presented by the good Senator from Aroostook, the good Representative from Eagle Lake, and others, in response to a situation of harvesting on state land. The bill prohibits the Department of Conservation, the Bureau of Parks and Lands, from prohibiting timber on land under its jurisdiction to be harvested using persons employed under the federal bonded labor program. We've had other bills that have come before us, but this one, this bill deals with state land, not private land.

The intent of the bill is already state policy, but the unfortunate thing, there have been a number of instances where the state itself has asked primarily Canadian harvesters to harvest the land over Maine workers first. There have been infringements of this policy on numerous occasions. I would ask that we would stick with Maine workers first, particularly on this day. It is not as massive as the other bill, but I think it does create a precedent that encourages us to hire Maine people first on Maine land. It is the policy, but unfortunately that policy is not being carried out by the department now and I think as a matter of fairness for Maine workers, I would ask that you would defeat the pending motion and support the other, Ought to Pass. 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. This issue came to light earlier this year actually and it is, as you may or may not know, most of the public lands are managed by the Bureau of Public Lands. And they operate, when they go out to bid, they have a portion of their bid document that basically says that the restriction is for Maine workers, and the contractor must in fact have Maine workers. The unfortunate part, what has happened, is that very often the Bureau does not know based on what the contractor is

doing as to what that person may have as workers, and so the Bureau, quite frankly, feels that they are in an awkward position, even though they are not supposed to have that person there, they may be in the difficult position to find out. So they felt that this would be a better way to deal with the issue.

I want to say back in February I received a phone call where, in fact, they were cutting right next to Round Pond, which is not that far from where I live and no more than 70 miles away from other communities in Aroostook, and they in fact had bonded workers there. When we finally were able to document that, it was very difficult for the Bureau because they simply were not aware that that particular contractor had in fact bonded labor. So what the bill proposes to do is to make it very clear that instances like this, that when they are on state land they have to have someone who is a Maine worker or I should say an American.

I would also add, by the way, that the federal law is pretty clear that if someone is a visaed person, they also have the same rights as an American citizen. So that would not exclude someone who happens to have a visa, but it would not allow bonded workers to be on that state land. So I urge you to vote no so that we can move on to accept the Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Dow.

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the Chamber. It seems like a relatively simple bill. It is a small one. It has to do with whether Maine workers or bonded workers can work on these projects.

Presently, the Bureau of Parks and Lands has adopted a policy. They did so in 2006 to not allow bonded workers. There was an incident where there was a bonded worker working on one of the projects, one that was pointed out to them. That person pointed out to the company that had him. That person was removed.

The Bureau of Parks and Lands testified neither for nor against on this bill. What they feel without the flexibility to modify the policy – and it is policy. It is not in statute, it is policy. Without the flexibility to modify the policy in the future, if because of the location of the harvest, meaning someplace where Maine workers don't bid on the project at all, it deems such modification to be in the best interests of the Maine forest industry in the State of Maine.

Also, the Attorney General's Office feels there is a federal pre-exemption issue. It feels if our policy is in rule that we may be okay about hiring Maine people first, but feels it may be unconstitutional if we actually put it into law. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once again, we are coming back to the fact that Maine workers want these jobs. Maine workers need these jobs.

We've heard a series of logging bills in our committee and the one constant is that the group responsible for logging contractors says they are not working to capacity, and so when we find bonded workers working on state land, taxpayer subsidized state land, well we should make sure those jobs go to Maine residents. It is just adding insult to injury that only are we not hiring Maine workers to work in the Maine Woods, but now we are hiring bonded workers to work on state land. It just doesn't seem right and I think the Bureau of Parks and Lands does have a policy, but let's make sure. Let's make sure. Let's put it a little bit more concrete that this is the way we feel about our woods. Thank you, Mr. Speaker.

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

ROLL CALL NO. 75

YEA - Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gillway, Guerin, Hamper, Harmon, Harvell, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sanderson, Sirocki, Strang Burgess, Tilton, Volk, Waterhouse, Weaver, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Davis, Dill J, Driscoll, Eberle, Edgecomb, Flemings, Fredette, Gifford, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Rankin, Rioux, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Stuckey, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Carey, Casavant, Dion, Duchesne, Eves, Hanley, Priest, Rochelo, Wagner R, Wintle.

Yes, 62; No, 78; Absent, 10; Vacant, 1; Excused, 0.

62 having voted in the affirmative and 78 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**.

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** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative CURTIS of Madison, the House adjourned at 5:53 p.m., until 10:00 a.m., Tuesday, May 24, 2011.