

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

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House Legislative Sentiments
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PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend Motor Vehicle Laws

(H.P. 1459) (L.D. 2075)
(C. "A" H-913)

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

On motion of Representative JACKSON of Allagash, 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**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Really quickly, if you want to lay off a couple of biologists in the Department of Conservation and Inland, Fisheries and Wildlife, if you want to go against every environmental group in Maine and every sporting group in Maine, if you want to vote against the lobstermen, if you want to vote against scholarships for the University of Maine System and if you want to vote against our Troops, please vote green to Enact this; in not, vote red.

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

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to give this one more try. I, also, am going to support Representative Jackson on this and, really, it is a process question. The difference between getting mugged and getting your pocket picked: Either way you lose your wallet, but at least when you are getting mugged, you are fully engaged in the process, and I think maybe the process let us down a little in this bill, so I will be going red. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting with the good Representative from the Allagash. I think he probably gave his best and most concise speech, he was clear; his content was great, so I will be voting with my good colleague from the Allagash. Thank you.

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. 386

YEA - Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Cain, Campbell, Canavan, Carey, Cebra, Chase, Cotta, Crockett, Crosthwaite, Curtis, Dunn, Duprey, Edgcomb, Emery, Farrington, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Harlow, Haskell, Hayes, Hill, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Millett, Nass, Norton, Peoples, Percy, Perry, Pingree, Pinkham, Plummer, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Samson, Savage, Silsby, Sirois, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Walker, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Adams, Annis, Babbidge, Briggs, Bryant, Burns, Carter, Casavant, Clark, Cleary, Cray, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Finch, Grose, Hanley S, Hinck, Jackson, Koffman, Lundeen, MacDonald, McLeod, Miller, Mills, Miramant, Patrick, Pendleton, Pieh, Pilon, Piotti, Richardson D, Sarty, Saviello, Schatz, Simpson, Smith N, Sutherland, Treat, Wagner, Watson, Wheeler.

ABSENT - Connor, Conover, Craven, Dill, Fisher, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 93; No, 44; Absent, 14; Excused, 0.

93 having voted in the affirmative and 44 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-983) - Minority (4) Ought to Pass as Amended by Committee Amendment "B" (H-984) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Establish a Uniform Building and Energy Code"

(H.P. 1619) (L.D. 2257)

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

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith. Having spoken twice on this issue, earlier in today's session, she now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly before we go to vote on this, I want to explain, apologize for the confusion. There is an amendment to deal with this issues that we discussed. I thought it made sense to Table it then, that doesn't make sense. We will get in through the First Reading, and then we are going to take care of it at that point and have the amendment come after that. So I encourage you to vote for the pending motion knowing that the amendment is coming, but to keep things moving in a timely fashion, we are moving in now. Thank you and, again, I apologize for the confusion.

The **SPEAKER**: A roll call having previously 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. 387

YEA - Adams, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Cleary, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Priest, Rand, Richardson W, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Dill, Duprey, Edgcomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Robinson, Sarty, Savage, Saviello, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Barstow, Connor, Conover, Craven, Fisher, Lewin, Moore, Muse, Patrick, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 78; No, 58; Absent, 15; Excused, 0.

78 having voted in the affirmative and 58 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-983)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-983)** and later today assigned.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-978)** - Minority (5) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors" (H.P. 756) (L.D. 1038)

TABLED - April 10, 2008 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

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

ROLL CALL NO. 388

YEA - Adams, Babbidge, Barstow, Beaudette, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Gerzofsky, Grose, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Prescott, Priest, Rand, Richardson W, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Dill, Duprey, Edgcomb, Emery, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Rector, Richardson D, Robinson, Sarty, Savage, Saviello, Strang Burgess, Tardy, Theriault, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Beaudoin, Connor, Conover, Fisher, Haskell, Lewin, Moore, Muse, Pineau, Pratt, Rosen, Sykes, Thibodeau, Woodbury.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-978)** was **READ** by the Clerk.

Representative SAMSON of Auburn **PRESENTED House Amendment "A" (H-997)** to **Committee Amendment "A" (H-978)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-978) as Amended by House Amendment "A" (H-997) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-978) as Amended by House Amendment "A" (H-997)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development (EMERGENCY) (S.P. 908) (L.D. 2283) (C. "A" S-581)

TABLED - April 10, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - PASSAGE TO BE ENACTED.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A question has arisen concerning the definition of generating facilities in this legislation. To be clear, the use of the words "transmission lines", in Subsection 5 of Section 3451, in Chapter 34-A, is intended to describe the lines that collect power from the turbines, the collector lines, to be transmitted to the substations and/or generator leads of a wind energy development. The words "transmission lines," in that definition, are not intended to describe the lines that carry power long distances at high voltage to load centers. Thank you, Mr. Speaker.

Representative **MACDONALD** of Boothbay **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. 389

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