

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Hill, Marean, Nass, Pratt, Richardson E, Thibodeau, Watson, Wheeler, Mr. Speaker.

Yes, 130; No, 4; Absent, 16; Vacant, 1; Excused, 0.

130 having voted in the affirmative and 4 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home

(H.P. 1167) (L.D. 1658)
(C. "A" H-231)

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

On motion of Representative FAIRCLOTH of Bangor, 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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 92

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hinck, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Berry, Berube, Connor, Cressey, Dunn, Emery, Farrington, Gerzofsky, Haskell, Hill, Hogan, Marean, Marley, Nass, Pratt, Richardson E, Savage, Smith N, Watson, Wheeler.

Yes, 129; No, 0; Absent, 21; Vacant, 1; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 21 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:

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.

Expression of Legislative Sentiment in Memory of Timothy C. Plumer, Hallowell

(HLS 468)

TABLED - May 23, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **ADOPTION**.

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. When I first heard of this sentiment, it sort of took me by surprise. Mr. Plumer was not of the age where you would expect someone to pass, but as we know in our lives, we never know what the fragility of life and death.

I had served with Mr. Plumer when I was a member of the other body. As the Clerk had read, he was a Senate page and a Chamber Staff member. He was somebody with a great sense of humor, a great wit, always there for you when you needed his assistance. He will be greatly missed by all of us who knew him, I think people in Hallowell, people in the Augusta area. Rest in peace my friend.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-316)** - Minority (4) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 1201) (L.D. 1718)

TABLED - May 29, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

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

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

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-316)** was **READ** by the Clerk and **ADOPTED**. The RESOLUTION was assigned for **SECOND READING** Friday, June 1, 2007.

Bill "An Act To Amend the Family Medical Leave Laws"

(S.P. 119) (L.D. 375)

(C. "A" S-121)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-121)**.

TABLED - May 29, 2007 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-332)**. Subsequently, Representative MARLEY of Portland **WITHDREW House Amendment "A" (H-332)**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-121)** in concurrence.

HOUSE DIVIDED REPORT - Majority (15) **Ought to Pass as Amended by Committee Amendment "A" (H-321)** - Minority (9) **Ought to Pass as Amended by Committee Amendment "B" (H-322)** - Committee on **NATURAL RESOURCES** and Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

(H.P. 1290) (L.D. 1851)

TABLED - May 30, 2007 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

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

Representative JOY of Crystal **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 Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice that there are two Ought to Pass Reports: the Majority and the Minority. This is one of those cases where we have more in agreement than we decided not to agree on. I just wanted to explain why I am not in support of the Majority Report at this time.

I think we are in agreement with the principle that we need to reduce our fossil fuel dependency and avoid the associated consequences. That is good news; we are in agreement on that. We are also in agreement that the implementation of RGGI, with the carbon dioxide credits, will more than likely increase the price of electricity to Maine consumers. That has been estimated and we are not sure exactly what it will be, but it could be \$24 to \$60 million a year. We are also in agreement that Maine C02 emissions and fossil fuel usage may actually increase. We must remember that this is a regional approach, and fortunately Maine's fossil fuel generators are some of the most efficient when you look at the amount of electricity generated per kilowatt, hours, and the amount of C02 that is associated with that.

The way the RGGI system is designed, the most efficient generators will need to buy fewer credits, which will make them more cost effective, and they will be running when the more, less efficient, higher C02 emitting generators will actually have to buy more credits and their costs will be out of line and not as competitive. So, we should not be surprised as we implement RGGI that actually Maine C02 emissions will go up, but that is okay because it is a regional approach, and somewhere in New England, I hope one of the higher C02 emitting fossil fuel generators actually is running less.

As a matter of fact, in 2005, Maine's actual C02 emissions were about 3.4 million tons, versus our goal or limit of 5.9. So, we have already achieved it in Maine, but I just want to put out the possibility that as we implement RGGI, Maine C02 emissions could increase, and we should not be alarmed at that. I think we are also in agreement that the only way that we are going to mitigate the price increase that Maine consumers will feel, is to have such a highly effective energy efficiency program in place, that Maine consumers can utilize that to reduce their usage to offset the price increase. That is absolutely critical because the whole point around RGGI is that we will reduce, eliminate waste if you want to use that, reduce electrical usage that in a way as the price goes up, we can be offsetting it with lower usage so our bills do not go up—that is absolutely critical.

Trying to be brief without going into a lot of other discussions, I think this goal is so critical that we need a more aggressive implementation plan, one that will actually have things in place the middle of next year around any efficiency planning and the process, so that when RGGI is implemented in 2009, we will actually be hitting the ground running. Maine consumers will have access to these high-efficiency programs that can be implementing them, so as the price goes up, ideally we are ahead of the curve.

While I think we did a really good job understanding what RGGI is, what it is going to produce, and the value of it, I would suggest that the Majority Report may not be quite as aggressive as what I think this objective wants. With that regard, I would ask you to consider any options that may be brought forward, to try to make sure that Maine is leading the pack again, and that we are implementing with excellence. Thank you, Ladies and Gentlemen, and I appreciate your attention.

Representative JOY of Crystal **WITHDREW** his **REQUEST** for a roll call.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-321)** was **READ** by the Clerk.

Representative BLISS of South Portland **PRESENTED House Amendment "A" (H-380)** to **Committee Amendment "A" (H-321)**, which was **READ** by the Clerk.

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. The good Representative from Winslow was absolutely right: The Majority Report and Minority Report on this bill are virtually identical. This is arguably one of the most important things that this Legislature and this state will do this decade, and it is more than exciting that we are doing it in combination with nine other states in New England, and three to five other states in the west coast.

I particularly want to acknowledge the work done by the Representative from Winslow and the Representative from Pittsfield, in tirelessly reminding those of us on the Majority Report that specific timelines must be met, that we cannot just pass this bill. We have to make sure that there is continuous feedback and continuous status reports. We hear you, and that is exactly what this amendment does. It is my belief that passing this amendment, moving the date forward, and adding some specific times to report back, will make the bill a stronger bill. I want to thank the Representative from Winslow and the Representative from Pittsfield, for pounding it into my head that that is exactly the right thing to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was just so excited about the RGGI bill, I just had to get up and speak, I could not contain myself. I apologize for getting ourselves out of order, but I do want to commend the good Representative from South Portland, bringing the amendment forward, rectifying what a few of us feel that we need to have a little bit of a head start on it.

With that in mind, I am in full support of the Majority Report. I think that we are going to do some great things and if we do it right, we can look back in two or three years and say once again, Maine led the nation and we reduced our dependency on fossil fuel, and brought us back to a point where our environment—we have done what we can to help the environmental issue. Thank you very much, Ladies and Gentlemen, for your indulgence.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-380)** to **Committee Amendment "A" (H-321)**.

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

Representative SAVIELLO of Wilton asked leave of the House to be excused from voting on L.D. 1851 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-380) to Committee Amendment "A" (H-321). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 93

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cotta, Jacobsen, Joy, Lansley, McLeod, Tibbetts, Vaughan.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Marean, Pineau, Pratt, Richardson E, Valentino, Watson.

Yes, 129; No, 7; Absent, 13; Vacant, 1; Excused, 1.

129 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 13 being absent and 1 excused, and accordingly **House Amendment "A" (H-380) to Committee Amendment "A" (H-321) thereto was ADOPTED.**

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto.**

Representative SAVIELLO of Wilton asked leave of the House to be excused from voting on L.D. 1851 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 94

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy,

Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cotta, Jacobsen, Joy, Lansley, McLeod, Tibbetts, Vaughan.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Marean, Pineau, Pratt, Richardson E, Watson.

Yes, 130; No, 7; Absent, 12; Vacant, 1; Excused, 1.

130 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 12 being absent and 1 excused, and accordingly **Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto was ADOPTED.**

The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

CONSENT CALENDAR

First Day

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

(H.P. 284) (L.D. 354) Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)**

(H.P. 455)(L.D. 588) Bill "An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)**

(H.P. 748) (L.D. 988) Bill "An Act To Improve the Protection from Abuse Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 1067) (L.D. 1542) Bill "An Act To Limit the Liability of Organized Clubs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)** on Bill "An Act To Increase Access to Oral Health Care"

(H.P. 822) (L.D. 1129)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

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

Signed: