

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

Appendix
House Legislative Sentiments
Index

Pages 1358-2163

Recognizing:

Philip and Dolores Beaudette, of Biddeford, on the celebration of their 60th Wedding Anniversary, April 10, 2008. We extend our congratulations and best wishes to Mr. and Mrs. Beaudette on this special occasion;

(HLS 1176)

Presented by Representative BEAUDETTE of Biddeford.

Cosponsored by Representative CASAVANT of Biddeford, Representative BEAUDOIN of Biddeford, Senator HOBBS of York, Senator SULLIVAN of York.

On **OBJECTION** of Representative BEAUDETTE of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Many times, my father has told me that the secret to a long and successful marriage is to have a sense of humor, and I can give you a brief example of that type of sense of humor that my parents have enjoyed over the years: There was one time, fairly early in their marriage, when my father had been out socializing and was arriving back at the apartment a little later than he was anticipated. When he arrived, my mother was not pleased with him and expressed her dissatisfaction, and as she finished expressing her dissatisfaction, she told my father to take the door. So my father being a wise man went out the door, down the stairs, began to think about how, okay, how do I fix this one. So he went to one of the sheds that was in a storage area in the apartment building, took one of the doors off its hinges, went back up the stairs, knocked on the door and said here is the door, what do you want me to do with it now. Obviously, end of argument.

Mom and Dad, thank you very much for all the love and support you have given me. I hope that Ann Marie and I are as fortunate as you are, to be as happy as you are, after 60 years of marriage. Thank you, Mr. Speaker.

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

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

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief"

(S.P. 766) (L.D. 1972)

Received by the Secretary of the Senate on April 4, 2008, pursuant to Joint Rule 309.

Came from the Senate with the Bill **PASSED TO BE ENGROSSED**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER ACTION** and later today assigned

Ought to Pass Pursuant to Resolve

Representative PERRY for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Invest in Maine's Young Children"

(H.P. 1671) (L.D. 2311)

Reporting **Ought to Pass** pursuant to Resolve 2007, chapter 136.

Report was **READ** and **ACCEPTED**. The Bill **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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order

Representative PIOTTI for the **Joint Standing Committee on Taxation** on Bill "An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes"

(H.P. 1670) (L.D. 2310)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1233.

Report was **READ** and **ACCEPTED**. The Bill **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** and sent for concurrence.

Ought to Pass as Amended

Report of the Committee on **LABOR** on Bill "An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers"

(S.P. 424) (L.D. 1223)

Reporting **Ought to Pass as Amended by Committee Amendment "B" (S-392)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report was **READ** and **ACCEPTED**.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Divided Reports

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-561)** on Bill "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

(S.P. 885) (L.D. 2255)

Signed:

Senators:

BARTLETT of Cumberland
HOBBS of York
SMITH of Piscataquis

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
FLETCHER of Winslow
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-562)** on same Bill.

Signed:

Representatives:

THIBODEAU of Winterport

CURTIS of Madison
ADAMS 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-561).**

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess I would like to speak to this just a little bit. Obviously, serving on the Utilities and Energy Committee has been a lot of fun this term and have learned a lot of really important stuff. This is the Chief Executive's bill. It has to do with energy corridors in the State of Maine, and we spent a lot of time thinking about that and the implications of that. I want to tell you there are a lot of good things in this bill, but there are some things that I am fairly uncomfortable with.

In our public hearings and during our work session, we debated whether or not it was appropriate for the State of Maine to be in a position where we, or the PUC, is given the authority to buy real estate as transmission corridors. And during that debate, it was kind of interesting, some of the outcomes and some of the comments. We had the Commissioner of the PUC indicate to us that, indeed, there were some things that were appropriate and some things were not appropriate to say on the public record. Well that seems a little strange to me because anything that we do in this institution, we certainly ought to be able to defend on the public record. The indication by the Commissioner was that things that we said in committee were okay to say, but things that were said on the House floor may not be. You know, I am not sure that I personally, in my position, want to be voting for laws that may not be something that we can say in this institution, in this body. I think that once we reach that threshold where we can't openly discuss the real objectives of the bill, maybe we ought to rethink our vote. So with that said, as you decide which way you want to vote, just remember that there are certain things we are supposed to discuss in the public forum here and certain things we are not. Thank you and I would like to request a roll call.

Representative THIBODEAU of Winterport **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 Madison, Representative Curtis.

Representative **CURTIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice on this bill that is it is a Divided Report. You notice those who are divided on the Ought Not to Pass as Amended with Amendment "B" (562), probably most of the time were divided, but today we have come together on an issue that I think we need to give some serious thought to before we jump into something that takes on the air of preempting that the Federal Government may be doing, or is hinting of doing. I think we need to be very careful when we make a move that gives the err of jumping ahead of, or getting in front of an issue that has bigger and broader parameters than just the State of Maine. Yes, we do need to expand and look at the corridors of expanding our transmission

lines, but we felt, on the Minority Report, that maybe it was time to give the Governor's Office of Energy Independence and Security the opportunity to gather the facts, and to monitor all of the activities and the proceedings and the developments related to the United States Department of Energy activity regarding electric transmission corridors. We must be very careful, very cautious when we as a state begin to take action for the sole purpose of preempting something that the Federal Government may or may not be doing. We need to take time, slow down and gather the facts, get the information and make wise decisions that have the best interest of the citizens of the State of Maine.

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. If you take the time to read this bill, you will see that is really basically divided into three parts: Section A, Section B and Section C.

The first part of the bill, I am delighted to say, attempts to provide some rationality to what is going to happen when we move forward with new alternative energy sources. You may have noticed over the past few years that the Utilities and Energy Committee is trying to move us, as rapidly as possible, into examining and encouraging alternative energy sources, most prominently wind power. When these new wind locations are up and operational, somehow that energy has to get onto the grid.

Part A of this bill allows the Public Utilities Commission to oversee our rational development of electronic transmission lines into what might be called corridors to prevent the state from looking like a giant spider web.

Part B of this bill permits Utilities to enter into financial transactions tied to the market price of electricity. We think this will help those utilities and, therefore, help the ratepayers in the state.

Part C of this bill takes an office that was created several years ago by the Chief Executive out of whole cloth, the Office of Energy Independence and Security, that really isn't an office and really doesn't exist, and puts it into statute as a real entity. We think this is a huge advantage for the state, so that there is someone in the Governor's Office, on the Governor's staff, who keeps their finger on all of the issues that go on, internal to the State of Maine and external to the State of Maine, that relate to energy issues and energy policy.

We think this is a good bill, we think it makes sense, and I urge you to support it. 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. The Utilities and Energy Committee has been working with the Governor's Office, and with the industry as a whole, to try to figure out what we need to do in the State of Maine to stop the price of electricity, and have on the decline rather than the increase, which we all experience every month, as well as get to a rational plan to really put Maine in a strategic position from a standpoint of the generation of electricity from alternative energy sources. This bill is a step in the right direction.

Now with any new initiative, there are a lot of unknowns, and what we try to do is to make sure that there was enough checks and balances between major substantive rulemaking, as well as getting various people involved in this process. We have a great opportunity before us and even though we may think the future is known, it is not known, but the things we do know is that Maine has a great opportunity for the generation of wind power, which will be needed throughout New England.

What this bill will do, as has already been stated, will put a

rational planning process in place to allow that to happen, and in the process of doing that make sure that Maine ratepayers receive some of the value that we are creating for the rest of New England. The whole idea of somebody else will do it for us, I am kind of reminded of the old saying the world is run by those who show up. We were concerned that if Maine does not have a rational plan and a rational strategy, others may come in and either not do it in a comprehensive manner or come in and make the decision for us. So I am very much in favor of this bill because it takes a proactive approach, it puts the people in the State of Maine through the PUC and other energy offices in charge of getting this plan, and making sure it happens in a responsible manner, so I would appreciate your support on this bill. Thank you.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand here to express some concerns about this legislation, some of which have already been expressed by those who voted in the minority, and I wanted to put on the record what some of those concerns are, and I have some hope that amendments that may be introduced subsequently will address some of these concerns.

My concern is not with the fact that there is the intent to establish a rational process, we all want to be rational, but I do want to make clear to the members of this body before we vote that this is not a wind power bill, there is a separate bill that is related to wind power. This is not necessarily about alternative energy; it is about every kind of energy and every kind of transmission line, corridor, pipeline that you would need to use in order to go forward with any energy project.

I do have concerns about the PUC, in particular, the process of the PUC that is outlined here in this legislation. My concerns go to whether there is going to be sufficient testing of the evidence that is presented to the PUC, and whether the process is, in fact, rigorous enough, or whether it is really a public hearing process, similar to a legislative hearing that we have here in this body. My concerns go also to what kind of evidence will be on the record and will be required to be relied upon by the PUC should they make the designation of an energy corridor, which carries with it all kinds of implications, including, ultimately, eminent domain authority.

I have concerns about the role of that process before the PUC, in any subsequent process for various permits that will be held by the Department of Environmental Protection and other natural resources agencies. I am concerned about what level of consultation will exist between the PUC and those environmental agencies as they move forward in their rulemaking process to designate an energy corridor. I am concerned that persons who may have a fairly speculative and undeveloped financial backing may seek to invoke this process, and that there may be inadequate provisions to dismiss their applications right off the bat.

I am not here to challenge the overall premise of this, but I do think that there are problems with the way it is currently drafted, and I look forward to seeing this move ahead with some amendments that will clarify those concerns so that I can support it at a later time.

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. 342

YEA - Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Bliss, Brautigam, Briggs, Burns, Cain,

Campbell, Carey, Carter, Casavant, Cebra, Clark, Cotta, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jacobsen, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rand, Richardson D, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Tuttle, Vaughan, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Ayotte, Boland, Browne W, Bryant, Chase, Conover, Cray, Curtis, Finley, Gould, Johnson, Joy, Knight, Lansley, McKane, Moore, Plummer, Prescott, Richardson W, Robinson, Sykes, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Walker, Weaver.

ABSENT - Blanchard, Blanchette, Canavan, Cleary, Connor, Dunn, Emery, Greeley, Hayes, Lewin, Miramant, Muse, Pieh, Pinkham, Pratt, Priest, Rector, Simpson.

Yes, 102; No, 31; Absent, 18; Excused, 0.

102 having voted in the affirmative and 31 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-561)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (S-561)** and later today assigned.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass** on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)

(H.P. 1662) (L.D. 2304)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
THERIAULT of Madawaska
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-937)** on same Bill.

Signed:

Representatives:

THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport

READ.

Representative PEOPLES of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass** Report.