

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 3, 2008 – May 27, 2009

Pages 1-608

Bill "An Act Regarding Violations of Lobster Conservation Laws"

(S.P. 87) (L.D. 246)

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

**REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Promote Clean Waters in the State"

(S.P. 79) (L.D. 229)

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

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act To Repeal the Informed Growth Act"

(S.P. 83) (L.D. 242)

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

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

Bill "An Act To Exempt Certain Senior Residents from the Income Tax"

(S.P. 74) (L.D. 224)

Bill "An Act To Provide a Sales Tax Exemption to Certain Organizations That Provide Assistance to Members of the Military" (EMERGENCY)

(S.P. 88) (L.D. 265)

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

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

Bill "An Act To Modify the Laws Regarding Seat Belts"

(S.P. 71) (L.D. 221)

Bill "An Act To Extend the Exception to Axle Fines during the Midwinter Season" (EMERGENCY)

(S.P. 81) (L.D. 240)

Resolve, To Direct the Department of Transportation To Establish a Memorial Park Honoring Veterans in Topsham

(S.P. 84) (L.D. 243)

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

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

Bill "An Act To Increase the Availability of Solar and Wind Power"

(S.P. 70) (L.D. 220)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-2)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill " An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009" (EMERGENCY)

(H.P. 40) (L.D. 45)

Which was **TABLED** by Representative PIOTTI of Unity pending **ADOPTION** of **Committee Amendment "A" (H-2)**.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, fellow Members of the House. There has been a tremendous amount of work that brings us to this point today, and I don't want to belabor this point but there was a moment in the process, and it is really not new business, but I wanted to kind of share with you something that was extremely, extremely important that sort of got left, if you will, on the cutting room floor on Appropriations, back last April. That was a project or a bill that I worked on for the two sessions to do with the funding for the Comprehensive Cancer Program for the State of Maine.

I believe, as many of you have heard and those of you who are new you are going to hear a lot more about this, cancer is the number one killer in the State of Maine. It is not heart disease, it is cancer. We are one of only a few states in this country that cancer surpasses heart disease, and it is something that needs our attention. Cancer is killing off our Maine citizens. We can do all of the wonderful, wonderful programs that we all have and want to do and that are going to be funded in this budget and in our supplemental that we are doing this evening, but if we don't have the citizenry alive to enjoy all the wonderful things that we are out there doing, what sense is it?

Right now, the State of Maine, as far as independent funding for the detection and education of our citizenry about the importance and early detection of cancer, receives the grand funding in our current budget and in this supplemental budget of zero. Zero dollars are expended, general funds, on the early detection and education of the Maine citizens about cancer. That, my friends and my fellow House members, needs to stop.

I had a meeting this fall with the Cancer Consortium folks, which represents all types of cancers, and I promised them that I would not let them down again, because I was left standing at the microphone in Appropriations on the last day of session, where we had been whittled down to asking for some money from the Fund for Healthy Maine. After many discussions, it was determined that there was no money in the Fund for Healthy Maine. As we have gone through the supplemental process over the last days and several weeks here, in fact there is money in the Fund for Healthy Maine. There is about \$1.3. You have on your desks before you an amendment to the supplemental budget asking for that money.

Now out of respect for this process, which many of you have been directly involved with and have worked very hard and there are many wonderful, wonderful programs and important services to the citizens of Maine that are funded and in fact have been cut in this supplemental budget; therefore, out of respect for those programs that have been cut and for the hard work of this body, I am not going to be asking that this amendment be brought forward. However, I thought it was an important opportunity. I am sort of like the bride: I have been to the altar and I have been jilted; however, I will be back and you will hear more about this very, very important cause in the coming months as we work on a biennium budget. I appreciate your attention in understanding and appreciation of this very important matter that affects just about everybody here, and if it doesn't today, I hope that it never does but it is a very small state out here. Thank you very much. Thank you, Madam Speaker, for this opportunity.

Subsequently, **Committee Amendment "A" (H-2)** 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-2)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I wanted to give everybody a heads up on the new unemployment numbers that have been released today. In December, unemployment rate rose to 7 percent, up from 6.3 percent in November. We have every indication that this will be a much harder recession than average in Maine.

At twelve months, the current downturn has eclipsed the twelve month average of the nine national recessions since 1950. The 2.1 percentage point rise in unemployment rate, through twelve months, was larger than in three of the last four recessions. The number of unemployed people increased 44 percent to 50,000. The four sectors in retail trade was down 4,100 jobs, construction 3,200 jobs, accommodations and food service 2,100 jobs, and manufacturing of 1,200 jobs accounted for the 91 percent of the net job loss.

One piece of good news is that our high unemployment rate will likely trigger 13 additional weeks of unemployment benefits through February. The Unemployment Trust Fund also has plenty of reserves to pay for benefits, thanks upon the legislation we passed a number of years ago. Thank you, Madam Speaker.

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

**ENACTORS**  
**Emergency Measure**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009

(H.P. 40) (L.D. 45)  
(C. "A" H-2)

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

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to make four very brief points in support of the decision we are about to make.

Very quickly and first, I would like to echo the words of our good House Chair, the Representative from Orono, Representative Cain, this morning in thanking the policy committees for your studiousness and thoughtfulness in making our job at Appropriations much more easier as we dealt with some very difficult issues. I would like to briefly expand that thank you to the hospital subcommittee that worked on our behalf on two very difficult chores, specifically, Representatives Nutting, Miller, and Carey for addressing a problem that we knew was going to be difficult, and they came out with a set of proposals which I think helped the process immensely.

Picking up on that point, I want to say that I feel, and our side of the aisle, I think, feels very good about the language we were able to come to agreement on with respect to the hospital issues, particularly that language that commits us to honoring our obligations of the hospital and addressing their cash flow problems by committing to addressing two years of unpaid settlements that date back to Fiscal Year '05. This is extremely important to our folks back home who are running on very difficult cash flow margins, and I think that you can go back home and talk with your folks who run your hospitals and show them that we made a good faith effort to honor our debts and to be so in a current fashion. It is a very good use of one time money, I believe as well, and we will have this discussion many times before we finish our work.

Thirdly, I just want to say that this may be and hopefully will be our last FY '09 supplemental before we tackle the more difficult job of the biennial budget. It is hopeful, I think, for all of us to assume that maybe our forecasting has been on the mark, but I don't think any of us can be assured of that. I note in the publication from NCSL that is before us, that was in our mailboxes this morning, the very lead paragraph under the article of "Grim Forecasts" saying that the fiscal crisis facing states is the worst in 50 years, and I think that is something to think about as we work our way into the winter and spring.

Finally, I would just like to say that that biennial budget will be the appropriate place for all of us to roll up our sleeves in a more deliberative fashion, wrestle with the priorities that we could and should be setting, as we try to work our way through this economic downturn in a much more thoughtful way that we have been able to do in the last three weeks. We've really not had to, or had the opportunity and time to set real priorities and to think about what we can do in a sustainable fashion going into the future. The biennial budget will certainly afford us that opportunity, I hope the same bipartisan spirit, the same roll up the sleeves attitude in the policy committees prevails, and that we can get to work on that early in February. I encourage your support of what, I think, is the best product we would have come up with in the timeframe that we've had. I urge your support of Enactment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is hard to believe that one month ago today, on December 27th, most of us were still recovering from big holiday meals and making plans to celebrate New Years Eve with family and friends. Our committee