

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
State of Maine

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McClellan, Morrison, Moulton, Nass, Nelson, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rosen, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Webster.

NAY - Ayotte, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Edgecomb, Espling, Fitts, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harvell, Johnson D, Johnson P, Knapp, Libby, Long, McFadden, McKane, Morissette, O'Brien, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Bickford, Driscoll, Duchesne, Eves, Innes Walsh, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 78; No, 60; Absent, 12; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 213)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 20, 2011

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 296, "Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks."

This Resolve's fiscal note claims there will be only a "minor cost increase" for three separate departments. I believe that is incorrect. In order to thoroughly conduct the study called for, the leadership of each Department would have to remove themselves from their normal duties to draft reports for the Legislature. As I have said before, these "minor costs" add up quickly and we cannot continue to heap straw on the camels' backs.

The exploration of contracting out processes of Government to the private sector is something that I am directing all State departments to assess throughout their operations. Where something can be done more quickly, at lower cost, and with higher-quality through contracting, we will find ways to move that operation to the private sector and reduce the burden on Maine taxpayers. I agree with the Legislature that the fingerprinting process may be one such area where savings can be found. Please know that the Commissioner and his staff will be looking at this area closely. If it makes sense for Maine, my administration will work with the Legislature to make sure the policy in the original draft of LD 296 — when it was still an Act — will be implemented.

For these reasons, I return LD 296 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks

(H.P. 240) (L.D. 296)

(C. "A" H-528)

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

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. When the good Representative from Topsham brought this bill forward to us, I was interested because the title of the bill had cost savings and efficiencies in it. I was interested in listening to hear about how we could do that with fingerprinting. During the course of the public hearing and the work session, we heard a lot of information about who is taking fingerprints, how it's being done. We also learned some things about new technology which is coming forward, which may make it more cost efficient to do fingerprinting, different ways to do it. The suggestion was perhaps this did not need to, by law, and I repeat that, by law it's restricted to the State Police who are doing these fingerprints for these teachers. There was a consideration that maybe we ought to be able to do these a little more locally, that there were county and local officials, law enforcement officials well versed in being able to take fingerprints, no reason not to, and we, since once again this is restricted by law, the committee, not unanimously but by a wide margin, a bipartisan margin, sent forward this Resolve which would ask the departments to continue to do the work that they were doing and simply tell us, let us know what would be a very efficient way to do this so that we might be able to address the fact that this is limited in state law.

This Resolve also gave us the option of introducing a bill next session, should some real answers come forward that we might be able to implement. So we were looking forward to that opportunity. In the veto message, the Chief Executive very rightly indicates that there is more that can be done and that the departments ought to be assessing these through this operation. I think it's unfortunate that we won't be able to act on that from the perspective of the committee without the authority to put out a bill to implement those recommendations. So it occurs to me that it's very common sense to provide this opportunity for us to take a look at the most efficient and cost-effective way to provide this fingerprinting service that is required of so many folks, and I would hope that you would vote yes on this in order to have this bill go forward and not sustain the veto of the Chief Executive. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 214V

YEA - Beaudoin, Beavers, Beck, Beliveau, Bennett, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Eberle, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Richardson W,

Rochelo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Webster.

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

ABSENT - Bickford, Celli, Driscoll, Duchesne, Eves, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 72; No, 66; Absent, 12; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 214)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2011

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 547, "Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws."

As members of the Legislature know, unfunded Resolves expend the resources of State Government on studies when the efforts of agencies would be better utilized undertaking their core missions and finding ways to do things better, delivering higher-quality services with a lower-cost to taxpayers. This is especially true as my Administration moves its efforts away from the Legislative session and towards finding new ways to organize and operate the State.

Further, I am concerned this Resolve will have a chilling effect on Maine citizens and businesses. For hundreds of years, people have utilized the wood found in Maine's great forests as an all-natural, renewable heating substance. They have consistently found new and better ways to both steward the forests sustainably and increase the efficiency and ease-of-use of wood as a fuel. Passage of this Resolve would signal that our proud history may be waning. That is something I cannot condone.

For these reasons, I return LD 547 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws

(H.P. 430) (L.D. 547)
(C. "A" H-407; S. "A" S-296)

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 rise as the sponsor of this legislation and I want to begin with the same question that was asked by the good Representative from North Yarmouth, why does a bill that will save lives get vetoed? The bill subject to veto that is now before us also had the unanimous Committee Report and the Executive Branch agency which testified on the legislation testified neither for nor against, raising three objections, all of which were taken care of by the committee prior to their unanimous Committee Report. I want to thank the Committee on Health and Human Services for their excellent work to save lives or, perhaps, to try to save lives through this legislation.

I want to correct a misconception that I fear has been perpetrated simply through an accidental title change as part of those changes in committee and it is the portion of the title relating to wood smoke that I think may have caused some of that misunderstanding. I would under no circumstances ever support a bill which prevented Mainers or even suggested that Mainers should not burn wood. I grew up burning wood. My fondest memories and some of my least fondest memories are of stacking the family wood box and helping my parents or uncles or grandfathers to cut the wood in the family woodlot. I have since learned to love the work and I cut wood on my own property. I have two wood stoves, a Russian fireplace. My parents use wood cook stoves, fireplaces, and my father has an outdoor wood boiler. If it burns wood, we use it. If it doesn't, we don't. Wood is a symbol of our energy independence in Maine and rightfully so. We should be burning wood here in Maine. It's a native resource. And again, I would never support a bill, much less sponsor one, which in any way inhibited our right to native fuels and energy independence. This bill is very different. It's about saving lives. Let me explain.

Four years ago, this body and the other and the Executive fixed a problem which was a new generation of wood burning machines, outdoor wood boilers they were called, some of which functioned very poorly and belched acrid brown smoke. It's a large firebox. Some of the designs you fill them with wood, you packed them full of wood and they smoldered and smoldered and smoldered and starved the fire for oxygen until the system called for heat, and then it would fire up and the creosote that accumulated through the smoldering of the wood burns off. When properly sited, even the poorly designed units are fine. But in a handful of cases, a few dozen cases around the state, there remain some issues. We fixed the problem going forward but we grandfathered some existing units that were harder to assess.

This Resolve would coordinate local public health officers, the Department of Environmental Protection, the CDC, affected parties to try to get to the bottom of the problem that has existed since, which is that when people call the State of Maine or their local health officer, they get the runaround. Those who are most affected, those who are living with acrid brown smoke in their lives, who are developing heart arrhythmias, who are developing lung cancer, who are showing signs of asthma, whose doctors say yes, it is because of the boiler next to you – and again, this is only a handful of cases – these folks are getting the bureaucratic runaround.

I wouldn't have brought the bill forward if Maine Lung Association had not asked me to do so because of their concerns around heart disease and lung disease and bureaucratic entanglements and inaction that in these handful of cases the State of Maine has been unable to address, but they did ask me to and so I did bring the bill forward. I want to thank them for trying to help these people.

I want to thank again the committee for their work and their