

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

The following matter, 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 (10) Ought to Pass as Amended by Committee Amendment "A" (H-339) - Minority (2) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 588) (L.D. 837)

TABLED - June 6, 2013 (Till Later Today) by Representative DILL of Old Town.

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

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. This bill was really started first last year, last session, in the 125th, and at that time the bill was passed that joined Agriculture, Conservation and Forestry into one department, and they were allowed to end up with one commissioner, do some high-level administration combinations and to create a budget. The bill also, last year, stated that this year, in the 126th, we would have the authority to put forward a bill to put the whole organizational format and form into play if we so desired. We had until December 2014 to do this. LD 837, which is on the floor in front of us, was that bill that came forward and the committee worked this bill for many, many different afternoons. The bill finally came out with a 10-2, Ought to Pass, and there was a lot of input into it from various and sundry folks. Initially, we received an organizational chart, if you would, from the Department, and then, after that chart was received, the next work session we received another organizational chart from a group calling themselves the Natural Resource Network, which was made up mostly of agricultural and forestry folks. Then we received another organizational chart from another group of a couple of groups from the conservation side of things. There were some conservation groups that were also opposed to the merger. We took, during work sessions, we took all of these organizational charts, put them together, worked the bill, worked the mission and I want to give credit to the good Representative from Winthrop, who spent almost one whole work session working with the committee on putting together the mission statement and the guiding principles, changing those so that it hopefully better reflected small agriculture and also some conservation aspects. The bill also took the commissioner's position and created that so that that person must be knowledgeable basically in all three areas – conservation, agriculture and forestry. They could be highly skilled in one area but must know and have some experience in the other two, so that leaves it to any one of those three folks, either an agricultural person or forestry or conservation person could be the commissioner of this new Department. Now, we also had a long discussion over what is called the "die cap," the overhead in the Department. We did freeze that for three years at the current rates and are waiting to hear from the feds to see what the new level is, and there has been concern over spending of that money, so I would put that right up front.

Some concerns about the new Department is that conservation may take a backseat in the new Department and the concern was especially around the mission statement and this type of thing, and I believe really our new mission statement does address these things. It says it supports the works of the citizens that derive their livelihood from agriculture, conversation and forest interests, and those who enjoy parks and

conservation, lands, through education, research, regulation and etcetera. It promotes and protects public health, the wellbeing of domestic animals wide land usage, preservation of the state's key conservation assets. Also, the guiding principles go on to say that the state's rural jobs in natural resources are, at the same time, a rich heritage to be carefully passed to successive generations in an evolving economic engine, driving recreation, food and fiber components of the state's workplace, strengthening the Maine's forest, conservation, recreation, etcetera, and public access to the state's natural resources is vital to enhancing the state's natural resources economy. Then finally, the state's land and water are common denominators for fresh locally grown food, processed food, etcetera, again bringing into the play in the Department how important agriculture and especially small agriculture is. I would stop there and I know there is going to be further discussion and that's kind of where this bill stands at the moment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As my Chair and friend and colleague, the Representative from Old Town, said, this bill had its origins in the last Legislature. He and I, there were a handful of us who were there at the time. I think maybe seven new committee members sit on the committee now. The bill came to us from the second floor. It came as bill 1030 at the time. At the public hearing – by the way, I'm standing against this motion, in case I didn't say that at first. I do not support this motion. At the public hearing, the second floor did not have anything to recommend this bill other than so-called synergies. It didn't address any problems, it didn't answer any complaints and it didn't save any money. In fact, it has a fiscal note of \$50,000 a year, not a big one, for the next three years. But synergies are what they said it would create and they didn't happen to have any at the time. They came 10 months later. The farmers and the public who are conservationists did not support it. Both vocalized similar complaints, that they were afraid of losing their voice. The farmers were afraid that if it wasn't run by someone from Agriculture, they would lose their voice. Conservation is the same. If somebody was running it who wasn't a conservationist, that they would lose their voice. The special interests who sat in the room straddled the fence. They wanted to see how it would unfold. Because, see with this bill, it came with nothing, with no structure. It was just a merger of these two departments. It went through committee without much conversation, as many bills did last session, and it came to the floor of the House. This bill would not have passed because it would not have gotten the majority of the votes in the House. There were that many people who were suspect of a merger that had nothing to recommend it. It was salvaged on the floor by a last-minute amendment, LD 837, which basically began the merger but put the actual enactment of it on to the shoulders of this Legislature, and it sunsetted it, as the Representative from Old Town said, at the end of 2014, which is pretty far down the road. But now we are here in this session and it's before us as the amended version, LD 837, and in the past year, ladies and gentlemen, I was a cosponsor of this original bill, 1083. I cosponsored it. I, like many people, did not know what its body was, but in this last year as it's unfolded and because it was held over, because it did not have a majority to pass and be enacted last year, we have yet an opportunity to see and fair it out what the thinking was and is behind this bill.

This bill, of this proposed new Department, as it has unfolded, its focus is agriculture and its core, it is about absorbing the Department of Conservation, boosting agricultural programs and shifting the focus of programs in the merged department away

from stewardship and preservation toward economic development potential, not preservation, stewardship and natural resources. Mr. Speaker, these synergies that were mentioned cryptically at the public hearing unfolded this session in the shape of 45 initiatives delivered to us by the Commissioner of Agriculture, who is now the Commissioner of these merged departments. These 45 initiatives are the only documented philosophy of this new merged department. Everything else could potentially be hearsay or my opinion. These 45 initiatives are what are on the table to shape the policy and thinking of this new department. These 45 initiatives using – basically, Mr. Speaker, the layout of these 45 initiatives are this. Forty-five of these initiatives are aimed at using conservation lands, programs and staff to benefit agriculture. Fourteen of the proposed initiatives simply involve exploring ideas. Four of the initiatives talk about sharing. They talk about sharing vehicles. They talked about sharing office space. They talked about sharing billboards at fairs and events. Number 32 is to streamline blueberry burn permitting. These initiatives were delivered to us November 2 after the last election and one of the Senators, who is no longer in the other body, pointed out that these initiatives do not need a merged department. These initiatives are fundamentally about cooperation and talking together. It's not that I think that these initiatives weren't delivered in good faith. I believe they were. I believe that they were thought to be balanced and in the best interest of both agriculture and conservation. The fact is they are not, not intentionally or covertly, but because underlying these initiatives are fundamentally different outlooks and these initiatives were created by an agricultural outlook. These initiatives, like the new Department that this legislation creates, has been shaped by an agricultural perspective. From a conservationist's perspective, it would look quite different and that the major underlying problem with merging these departments, agriculture and conservation have some fundamentally different perspectives that do not merge.

Mr. Speaker, in this House, under this roof, we have two sides of the aisle. We have some fundamentally underlying differences that demand that we separate ourselves in some way, and it's the same with conservation and agriculture. Yes, they share. They have similarities. But conservation is fundamentally public. It's about preservation. It's about stewardship. It's about conservation. Agriculture is fundamentally private. It's utilitarian. It's extractive. It's economic. They need their own houses. They need their own departments. We need our Department of Conservation. If Maine can be said to have a signature, it is conservation, and it is our Department of Conservation that has scripted and preserved this signature that has protected and implemented this long history of the will of Maine's people and this Legislature. We need the Department of Conservation intact. It is the driver of tourism, which is Maine's largest economy. People come from around the world, around this nation to enjoy what we, as Mainers, have historically preserved.

Mr. Speaker, I stand in opposition today, not to begrudge agriculture or its right to flourish, but to guard that it does not do so at the expense of Maine's legacy of conservation. I would do the same for agriculture if I felt that conservation was going to overwhelm that department with its interests and needs. Maine agriculture is struggling. Our state used to have over 1,000 dairy farms, now it has 300 and we are going to lose more this summer. There is enough farmland in Maine gone fallow to feed all of New England, but we lack the infrastructure, the processing ability to add value to our products. Maine has an incredible agricultural potential in its small farms and farmers, it's organic farming community and the growing demand for local foods, local

markets and local food sources. There are more young people going into farming in Maine than any other state in this country. We need an agriculture department that is going to recognize what the new agricultural landscape is in Maine, and it is going to confuse itself in this growing constituency by becoming bigger and merging with the Department of Conservation. It will not solve its problems, if problems are at home where it sits now. Maine agriculture, like Maine conservation, must be represented by its own department, a department singularly dedicated to hearing the agricultural voice, identifying agricultural needs and developing a vision for agriculture in this state, a new agriculture. Again, expanding and merging and diluting its focus, its mission, by converging the Department of Conservation is not the answer for agriculture in Maine.

Look carefully at some of the handouts you have that claim "Merger Benefits Conservation" and you tell me where it actually benefits conservation. That is a big question I have and I hope will be answered by others on this floor. Exactly how is this merger benefiting conservation? I'll tell you how it's benefiting agriculture. Initiative 32, discuss agricultural permitting use issues in unorganized territories. Number 2, use hydro geologists from the Department of Conservation to provide guidance on water sources for agricultural processing. Number 8, offer opportunities to lease state's public non-reserve lands to encourage food production and agricultural research. Number 39, explore how parks and public lands can help design, plan and estimate agricultural programs. Number 37, utilize the division of forestry to help respond to agricultural resource development requests. Number 17, share expertise to better plan for spraying misquotes and educating the public on pests and pesticides. I want someone on this floor to tell me how it's going to benefit conservation. You might hear that "But we have legislative oversight over this merger." I don't know what that means. We've had legislative oversight since last year. We were given the legislative oversight to have six agricultural meetings over the summer to discuss how this was progressing. The chairs of last session's agriculture committee did not call one. We forfeited our agricultural oversight. Agricultural oversight is only as good as the politicians who are running the show. It means nothing, unless you are there to act on it and exercise it. We have legislative oversight over all our departments and I don't think anyone of us could say they are operating at peak capacity or well or economically.

I've heard a lot of rumors just before we came into session this afternoon, rumors about this particular legislation, and I don't know how to respond to rumors. If you've got a rumor floating around in your head, that's why it was put there, to confuse you and there is only one voice that you really need to listen to and that's the one that starts from your own heart. Listen to a rumor but know that you don't know where it came from, you don't know its source. Vote on this legislation. I know that there are those of you who are pragmatic, who want to call us behind leadership. That's your choice. I just don't think pragmatically. I try not to. It's not always easy to separate pragmatism from what I really believe will move us forward, but I ask you to do that work in yourself, try to vote the way you want to vote. Ladies and gentlemen, Mr. Speaker, follow my light. I will not be supporting this merger. I will be voting red.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The ACF Committee has worked on this bill for over two years. I will be the first to say, at times, I did not support this merger. I am personally involved in many areas, in most areas of this merger

in my real life. I farm, I own a woodlot and log, and I help preserve farm and forestland with conservation easements continually. I care about our natural resources. We need them for our recreation, our tourism and for food and fiber. We need our fields, our forest and our water to provide us with a great place to live, to work and to play. This merger will help guarantee this. Please support this bill because it is the right thing to do for our natural resources. I stand not only here before you today in just word, but I live by what I say. In 1976 and in 2006, I was a Conservation Farmer of the Year for Franklin County. In 2006, I was a conservation logger of the county, so I believe and do what I say, and I believe that this merger will not only help ag and forestry, but it will also support and help conservation. It's not always easy to be a conservationist and be in my caucus, but that's why I am and I believe I support conservation efforts here in the state, and I believe that we will benefit if this merger goes forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak on the pending motion. The proposed merger of the Department of Agriculture with the Department of Conservation is a huge deal. We must not take it lightly. A week ago Thursday, I delivered a talk at the Rotary Club of Boothbay Harbor for their annual graduating seniors program. I can never turn down an opportunity to talk to our state's young people. After my remarks, the Rotarian who invited me to speak asked me if I had ever heard of a Kentucky writer named Wendell Berry. He said that his thoughts about agriculture were so much like mine that I could have written some of his work. I was therefore intrigued. So the gentleman sent me one of his books entitled, *It All Turns on Affection: the Jefferson Lecture & Other Essays*. I wish to share some passages from an essay in the book called "Starting From Loss."

"Given our histories of settlement and unsettlement, of a displacing education subordinating everything to upward mobility and [spiritual beliefs] aspiring only to Heaven, it would be surprising indeed if we had developed a state politics and government encouraging to good stewardship of the land. On the contrary, our politicians have aligned state government with a national government increasingly dominated by the great corporations, and subserving a land-destroying economy that has become so conventional that government officers and university intellectuals scarcely have thought even to question it.

"To live we depend unconditionally on our membership in the community of creatures, living and unliving, that we call the ecosphere. Every life in the terrestrial ecosphere depends unconditionally, in turn, on a thin layer of fertile topsoil that in most places is a few inches or a few feet deep and that accumulates slowly. In a climate such as ours it deepens by perhaps one inch in [one] thousand years. This layer of topsoil is made by the decay of rock, by sunlight and rain, and by the life and death of all the creatures, but mainly of the plants—[the] perennial plants—that grow from it, die into it, and by covering it year-round protect it from erosion and hold it in place.

"About [this] topsoil, the creatures that inhabit it, from the microorganisms to the tallest trees, and their complex interdependences, we humans know very little, and we are unlikely ever to know very much. We do know, we seem always to have known, that upon this great gift, this great mystery, we and all our generations absolutely depend. The Bible, as some have begun again to understand, requires our gratitude for this gift, as well as our care and caution in the use of it. To forget this, so as to destroy the topsoil and the plant cover that protects

it, surely is a desecration, if desecration means anything at all. And yet our present economy is based upon this forgetfulness and this desecration, which are formalized in all our industries of land use

"It is necessary to say further that the same economy of production-by-exhaustion is at work, only more slowly, in our landscapes that are forested or farmed. The state and national, and now global, economies pay only for production from these landscapes, not for [its] best work, not for [its] maintenance. The land still produces, but it does so at an every-increasing, unlimited, and unrestrained cost in soil erosion, chemical pollution, community destruction, degradation of the cultures of husbandry, and by now in reduction of the land-using population almost to disappearance.

"Perhaps the most tragic irony of our history was in the industrialization of agriculture after World War II.

"... industries that had grown rich and powerful in support of the war effort were faced with disemployment. The solution to this problem was to industrialize agriculture. The machines and [the] chemicals developed to defeat foreign enemies were turned against the farmland and the farmers on the 'home front.' The aim of industrialization then as always was to replace, and to displace, human workers with 'more efficient' technologies.... Any possibility that agriculture could be structured according to ecological models adapted to specific localities was abandoned and forgotten.

"Imposing everywhere the same methods, technologies, varieties, and breeds without respect to place, industrial agriculture acquired with astonishing speed the stature and force of a national ... orthodoxy, solidly supported by government departments of agriculture, land-grant colleges of agriculture, agricultural journalism, and large grants of money and extensive advertising by the agri-industrial corporations. And so it was ... tough luck for small farmers, small farms, small fields, fences, shrubbery fencerows, grassed waterways, wetlands, farm woodlands, clean streams, native communities of plants and animals, and incalculable tonnages of eroded topsoil. Tough luck, in short, for the natural heritage and the ecological underpinning of the economic landscapes

"For a brief interlude after about 1940, the agricultural economy was favorable to farmers, who enjoyed even a bit of prestige and appreciation during the war years. But in 1952 the Eisenhower administration came in, issuing to farmers maybe the cruelest, most undemocratic proclamation ever made to American citizens: 'Get big or get out.' Farmers were then abandoned to the mercy of the industrial economy and the 'free' market, which in only forty or so years squeezed most of them out of farming and into the 'labor pool.' Their places were taken to some extent by migrant workers, predictably disesteemed and exploited, but mostly [by] mechanical and chemical technologies and fossil fuels that greatly increased costs for the remaining farmers—costs that invariably increased faster than [the farmers] income. The idea that farmers should be conservationists has been fairly commonplace since at least the 1930s, and it is a fact, to some extent acknowledged, that the survival of agriculture depends upon the conservation of nature. But too few experts and officials have realized that conservation in agriculture requires an adequate number of farmers adequately paid. You can't expect a minimal farm population, minimally paid and struggling for survival, to be devoted conservationists.

"The power and wealth of agriculture have accrued more and more to corporations, [and] less and less to the primary producers. Meanwhile, because of the growth of urban populations and [the] increasing specialization in production, the geographic basis of the food economy has grown more and more

extensive. For a long time now the economies of agriculture and food have been dependent on long-distance transportation. One of the significant unaccounted costs of long-distance transportation has been the rapid, accidental but inevitable, spread of exotic organisms. Our present version of industrial agriculture ... has 'incidentally' produced two dire ecological results: it has destroyed or damaged local communities or native species, and it has supplanted or corrupted them with introduced diseases, weeds, and pests. When the accounting is finally done, these results will be shown to be ... expensive both ecologically and economically, initially damaging and difficult or impossible to put right.

"And so the history of our state, inseparable in most ways from the history of our nation, has brought us in a remarkably short time to an economy that is increasingly tremulous and questionable, resting ... upon ecosystems that are increasingly impaired and threatened."

Mr. Speaker, with this merger, we have an opportunity to reverse this desecration. Mr. Speaker, we also have the opportunity to exacerbate this desecration. Which path will we chose? So long as we strengthen the traditions of rural communities, so long as we understand the intrinsic value of small farms, farm workers and our devotion to feeding our communities wholesome, locally produced food, so long as we continue to learn and implement the lessons of the forest, so long as we continue to build and conserve our fertile soil and clean water, the merger could work. But it will take vision. A bold vision backed up with a long-term plan to plot a new way forward. We need our farmers to become conservationists again. We have a lot of work to do, Mr. Speaker. And when I say we, I mean all of us. This is not the work for a few people with a lot of money or a few intellectual or political hotshots. This is work for everybody, requiring everybody's intelligence. It is work that is inherently democratic. Mr. Speaker, we must remain committed to ensuring that Maine remains the way life should be. We must hold steadfast in the knowledge that our precious natural resources should not, cannot, and will not be exploited for the profit of gigantic corporations. We must remain vigilant. We must remain vigilant. We must remain vigilant. We must get this right. Future generations are counting on us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I look forward to us hopefully making history here today. For the first time in my lifetime, the Department of Conservation and Forestry, along with the Department of Ag, get to work together to create a better state. For all the groups to work together, it will be a wonderful thing that can happen to us. I am the eighth generation on my family farm. I think this bill will help assure the ninth and the tenth generation will continue to keep our forests and fields open to the public and available for them to use free of charge. My family is conservationists. We have also received the Conservation Farm of the Year award more than once. I hope my grandchildren and children get to continue to learn how to farm in this century and the next. This merger will help assure that this does that because it lets the people and the technology available of the departments merge together and work together, and the most important thing is they get to work together because no two departments today work together all that well. That would help my family and every family farm in the State of Maine, along with every forester, and most importantly, all the conservation lands and conservation easements work together to create a better state and support the people of the State of Maine. I urge

you and my family urges you to please support this bill and the pending motion before you. I will be doing so. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think this is probably the third or fourth bill in seven years that I've stood up and spoke on. This bill has been a lot of work. We've worked two years on this bill in different stages, different times. We took it on in January. We took it on in the 125th, and then we took it on again in January and made it a committee bill, and we as a committee listened to all the constituencies. We tried to have everybody come in and give us their concerns with the bill, and we tried to address those and I think we did. Is everybody happy? No, I don't think everybody is happy, but I've never seen any legislation that's come out of here that everybody has been happy with. I think we made some concessions, everybody made concessions to get this bill passed. As far as the list of 45 that the Representative from Woolwich was concerned with that was passed out in November, I think a lot of those issues that were on that were addressed in our work as a committee to come out with this bill, and I think Representative Hickman from Winthrop helped us out very much on the agriculture. I'm a farmer and the small farm agriculture in our state is very important, and I appreciate him for doing that. As far as conservation, although I think somebody else is going to talk about that directive, but we worked hard to put the stuff back into this budget, into this merger that the people wanted. I just think it's a great thing and hopefully you'll vote to support this merger. Thank you.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Just one quick question. I remember two years ago when the merger was conceived that there were supposed to be some savings for the state attached to it. I noticed on the bill, under the fiscal note, there was no fiscal impact, so I'd like to know if there are any savings available attached to the merger? Thank you.

The SPEAKER: The Representative from Friendship, Representative Evangelos, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Mr. Speaker, there are no savings and there is a fiscal note of approximately \$50,000 through the next three budgets, as I recall. Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KENT**: I would like someone to tell me how this benefits conservation. Thank you.

The SPEAKER: The Representative from Woolwich, Representative Kent, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Palmyra, Representative Cray. I knew that.

Representative **CRAY**: See, I don't speak very often. Thank you, Mr. Speaker, and to answer the question of Representative Evangelos, there was savings last in the 125th, whatever the commission for conservation was, that was the same as it was before. This really wasn't done to be a savings. It was done to try to find overlap within the departments that we may be able to work together. It may be five years down the road before we

actually see any real savings out of these. It wasn't really designed to provide any fiscal savings.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from North Berwick couldn't recall Representative Cray's name because we've both been up about 36 hours without any sleep, and so I will try to keep my speech short so that I don't make the same mistake. But I believe today that we've made a significant step forward in this body today. It's been a difficult session, but I believe with the passage of the energy bill, we did something significant as a legislative body, some significant for the people of the State of Maine. This bill before you today has been a work in progress for three years. Initially, there was some concerns about the bill, that there needed to be more legislative oversight, and as a result of that, there was actually an amendment put on the bill last session so that legislative oversight could occur, and that, in fact, did occur. Many hours, weekends, nights, days spent on this, and I believe it's a good product. We have an 11-2 Committee Report. I think that's important. I was born in Aroostook County so I understand a little bit of something about farming. In the Newport area, we have a very significant farming community. I am proud of that community. This changes agriculture. It changes conservation. There is no doubt about that. But we do need to change sometimes as a state to move forward, and I would submit to you the work that we did on the prior bill in a bipartisan way, in a significant way, helps Maine, and I believe that the work that was done on this bill in a bipartisan way, with the support of the chairs on both parties, is again a nod of an accomplishment that we can look to in this legislative body when we end this session. I ask you, therefore, to please support the motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this motion on the floor. I think this success or failure of what we have in front of us depends not on passing this bill. It depends on the vigilance of the committee and the leadership of the Chief Executive and department, and making it work in the future. I think this is an opportunity for improvement that is worth grabbing. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. I rise in opposition to this bill. Maine's environment is our most important resource. I'm also a big supporter of agriculture. I have a family history of farmers and ranchers. I think the mission is very different between the Ag Department and the Conservation Department. We must have a department that will preserve, protect and conserve our most important resource. It's why we all live here. I encourage you to vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you can imagine, for me, this is an issue that I've been conflicted on. I have the opportunity to be a steward and serve in the capacity of managing 320 acres of the most beautiful land on the Canaan and Skowhegan border. I also rise out of respect for this committee. I respect the members of this committee in a way, in a sense, I sort of feel like I have abandoned them on this issue. I didn't spend the long hours and the days in the committee room like they did. I also recognize, as a steward to the state, other

folks who are stewards to the state. The good Representative from Turner, the good Representative from Winthrop, the good Representative from Hollis, and I think there is folks that I really have a great deal of respect for, folks that share a level of uneasiness today. This is a bold step. It really is. We make this step. We have an opportunity, an opportunity to expand on the Maine brand, an opportunity to grow that Maine brand. If there is concerns, absolutely. You know, can we make this better? I would say one hundred percent we can make this better, but I think what it needs to make it better is to have all of us at the table, all of us working together. I held this one pretty close. I think people thought that I might vote either way on this issue. I didn't inject myself in the committee which, as a member of leadership, that's pretty hard to do. I feel a little more refreshed maybe than the good Representative from Newport, as I did fall asleep for about three hours last night, and the Representative from Newport was trying to find me and I was fast asleep in my office. But I rise today and it may be a surprise to many in the chamber when I rise today to support the pending motion and to say that, you know, I continue to sit at the table. I gain nothing from this other than moving Maine forward in a bold approach that will set a precedence, will base future agriculture/conservation efforts statewide. Many states have done this. Many states have used the model that we are using. It is the next steps, I think, that are the most important. It's the steps we take together on this vote today. It's the steps that we take together as we actually create a bold path and a vision for what we want agriculture and conservation to be. I find myself in times of situations like this reflecting on folks like Aldo Leopold and really talking about a land ethic, and what is our land ethic going forward. We can talk a lot about the Maine brand, but it's clear to me that the Maine brand includes agriculture, includes conservation and it's time to move forward. I'm ready to take that bold step and I hope folks will join me. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill wholeheartedly and I urge my colleagues on both sides of the aisle to listen to the Republican leader, what he just said, and what the Democratic leader just said, and how hard Representative Dill worked to come out with this great majority on this bill. I urge my colleagues on both sides of the aisle to support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I would like to applaud the good Representative from Skowhegan for his support and his leadership. There is no question, in my mind, that if the folks in this chamber take a look at the folks that are sitting on the Committee of Agriculture, look at that background, you will find that agriculture, conservation and forestry are well represented on that committee. We have a very diverse group of folks. There are about five or six farmers on that committee. There are a couple of conservationists. There is an educator. There are a couple of foresters. So have we not vetted this out fairly? I do believe that we have. I am very, very supportive of both agriculture and conservation. I have a farm in York County, which I bought a few years ago to save it from development and turned it back into a farm. In 2009, the previous Executive person in the administration, Governor Baldacci, appointed me to the Land for Maine's Future Board. I was so honored to think that I was going to have the opportunity to make sure that

conservation in Maine was served the way it needed to be served and that I could be part of that. This administration reappointed me and I served as the Chair for the Land for Maine's Future Board for two years, until I was reelected to come back to the chamber. It was very difficult for me to give up that position. I can assure you that the conservation part of this merger is well protected, well thought out, very much respected. There are several farms within your jurisdiction and my jurisdictions that have conservation easements on them. We have some very large tracks of forestland that have conservation easements on them. Land for Maine's Future watches out for working waterfronts and water access statewide. I think we've done a great job here. I look very much forward to the merger working well for both agriculture, conservation and forestry, so I appreciate your support. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **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. 229

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Bolduc, Brooks, Campbell J, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Dill, Dion, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Guerin, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Kumiega, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Marean, Marks, McCabe, McClellan, McElwee, Moriarty, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Pringle, Rankin, Reed, Rochelo, Russell, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dorney, Evangelos, Farnsworth, Gilbert, Goode, Grant, Hamann, Harlow, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Libby N, MacDonald W, Mason, Mastraccio, McLean, Monaghan-Derrig, Moonen, Morrison, Nelson, Peavey Haskell, Powers, Priest, Rotundo, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz, Treat, Villa, Welsh, Werts.

ABSENT - Beaudoin, Briggs, Campbell R, Kusiak, Malaby, McGowan, Nadeau A, Peterson, Saxton.

Yes, 93; No, 49; Absent, 9; Excused, 0.

93 having voted in the affirmative and 49 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-339)** was **READ** by the Clerk.

Representative DILL of Old Town **PRESENTED House Amendment "A" (H-354)** to **Committee Amendment "A" (H-339)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the concerns that we had from previous curtailment was that it may have been applied unequally within the Department. What this bill does, it gives legislative intent that basically says that it is the intent of the

Legislature that curtailments imposed on the Department of Agriculture, Conservation and Forestry be imposed proportionately among the major units within the Department, having substantive jurisdiction over distinct policy areas. Right at the moment, there are four bureaus, so it would be proportionately over those four. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-354)** to **Committee Amendment "A" (H-339)** was **ADOPTED**.

Committee Amendment "A" (H-339) as **Amended by House Amendment "A" (H-354)** thereto was **ADOPTED**.

Representative JONES of Freedom **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Subsequently, the Bill was assigned for **SECOND READING** later in today's session.

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

Joint Order To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures.

(H.P. 1130)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Houlton, Representative Fitzpatrick.

Representative **FITZPATRICK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask you to join me in opposition of this Joint Order to establish a task force to study the creation of a State of Maine partnership bank. The Insurance and Financial Services Committee voted unanimously Ought Not to Pass on two proposed state-owned bank bills this session and in prior sessions as well. I ask you to vote against this Joint Order for the same reasons the bills were defeated in committee. First, there was no demonstrated need for the bank. Second, the state does not have the millions of dollars necessary to capitalize and run it. Lastly, deposits would not be insured. It would take millions of dollars to capitalize a state-owned bank and millions of dollars in annual operating expenses to run it.

Where will the state get the money necessary to establish this bank? There was talk about using the treasury's cash pool or the state retirement fund to capitalize the bank. Maine's State Treasurer, Neria Douglass, in her testimony before the committee, presented us with several charts illustrating her points that the General Fund has been negative, or in the red, for much of the last few years. I have passed out sheets of her testimony. The state operates by utilizing internal borrowing from the many dedicated funds and sometimes from funds belonging to component units. She stated, "The treasurer's cash pool is used for operations and has no reserves." She went on to say, "I have a duty to the people of Maine to maintain the cash pool with the goals of safety, liquidity and yield." Will Maine citizens or state employees be willing to risk losing principal from the treasury's cash pool or the state employee retirement fund to capitalize a state-owned bank to make loans that financial institutions cannot make because they are too risky? Maine banks have ample deposits to loan to eligible borrowers.

In 2012, Maine banks made \$3 billion in loans to Maine companies and \$2.5 billion in loans for residential real estate. Maine banks are adequately capitalized and routinely partner with FAME and Maine State Housing and the Small Business Administration to meet the needs of Maine citizens and businesses. State-owned bank proponents have flawed data stating that large banks control the majority of Maine bank