

MAINE STATE LEGISLATURE

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

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First Special Session

April 1, 2008 - April 18, 2008

Appendix
House Legislative Sentiments
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Pages 1358-2163

on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Representative CROSTHWAITE of Ellsworth inquired if a Quorum was present.

Representative PINGREE of North Haven **REQUESTED** a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Direct-to-consumer Wine Sales" (S.P. 781) (L.D. 1987)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-575)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575).**
READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

ENACTORS
Acts

An Act To Provide Access to Certain Medications to Certified Midwives

(H.P. 1616) (L.D. 2253)
(C. "B" H-936)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-561)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (S-562)** - Committee on **UTILITIES AND ENERGY** 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)

- In Senate, 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).**

TABLED - April 8, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-561).

Representative BLISS of South Portland **PRESENTED House Amendment "A" (H-970) to Committee Amendment "A" (S-561)**, 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. I think it is important that when somebody with clear knowledge of the subject matter sits in on part of a hearing and expresses some concern, that any committee of jurisdiction pay attention to that. That is precisely what happened in this case. The committee worked this bill. I have already talked to you about the three parts of the bill and the important reasons we think it ought to be passed, but the good Representative from Hallowell came to us and expressed some concern about some parts of the bill. The result of that was a telephone conference call that the good Representative from Hallowell had with my Co-Chair and I, with the Commissioner of DEP, the Chair of the Public Utilities Commission, representatives from the Governor's staff and several others. The result is this amendment that makes some significant improvements tot the bill by clarifying a variety of pieces that were a little bit murky. I urge you to pass this amendment and then go on with the rest of this bill. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-970) to Committee Amendment "A" (S-561).**

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

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, **House Amendment "A" (H-970) to Committee Amendment "A" (S-561)** was **ADOPTED.**

Representative ADAMS of Portland **PRESENTED House Amendment "B" (H-999) to Committee Amendment "A" (S-561)**, which was **READ** by the Clerk.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This presents a sunset provision to Part A of this bill—Part A only. Thank you, Mr. Chairman.

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. I just want to clarify that. I am supportive of this. Some of you may have heard something different, or received something that indicated something different, but as I have said to several of my colleagues all along today, this is not an amendment with which I object.

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. Let me be clear about this bill: This bill is an attempt to preempt federal authority. You accomplish this by setting up barriers in an intent to frustrate the ability.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry, and inquiries why he rises at this time.

Representative **BERRY**: Mr. Speaker. I rise on a Point of Order. I think that we are at this point debating an amendment that would merely implement a sunset provision on this bill.

On **POINT OF ORDER**, Representative **BERRY** of Bowdoinham asked the Chair if the remarks of Representative **THIBODEAU** of Winterport were germane to the pending question.

The SPEAKER: The Chair would answer in the affirmative. There would be a moment, Representative Thibodeau, in which this bill would be Passed to be Engrossed, and at that moment, a broader discussion could ensue. If you want to continue now, we need to talk specifically about House Amendment "B."

The Chair reminded Representative **THIBODEAU** of Winterport to stay as close as possible to the pending question.

Subsequently, **House Amendment "B" (H-999)** to **Committee Amendment "A" (S-561)** was **ADOPTED**.

Committee Amendment "A" (S-561) as Amended by House Amendment "A" (H-970) and House Amendment "B" (H-999) thereto 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**.

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. First, I would like to thank Representative Berry for clearing up that issue. I certainly didn't want to speak out of order.

Let me help you understand this bill. This bill, Part A of this bill, is an attempt to preempt federal authority. This will be accomplished by setting up barriers in an attempt to frustrate the ability of the Federal Government to site transmission corridors. Should Maine be identified as a national corridor? These barriers are going to be disguised as state owned energy corridors. The Federal Government cannot site transmission across state owned lands.

Mr. Speaker, Ladies and Gentlemen of the House, I want to ask you a question. How long did you serve here in this House before somebody came up to you and engaged you in a conversation that went something like this: Corporate America,

they circumvent our laws, they game and manipulate the system in order to try to affect an outcome that is to their benefit? Ladies and Gentlemen, that is exactly what this bill is doing, and I believe that this is below the threshold of dignity that this institution should demonstrate to be engaged in this kind of activity. Should we be trying to preempt, should we be trying to circumvent federal law? I think not.

Ladies and Gentlemen, I think we can do much better than this. The supporters of this bill tell you that we cannot engage the Federal Energy Regulatory Commission because they are our enemy. Ladies and Gentlemen, I have never felt like the Federal Government was my enemy. We need to have open and frank dialogue with that organization, in order to engage them in a dialogue so that we can understand exactly what their intentions are and they can understand our intentions, in an effort to develop a plan that meets both federal needs and our state needs. Ladies and Gentlemen, we can do better than this and I would encourage you to consider carefully as you cast your vote. Thank you.

Representative **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 390

YEA - Babbidge, Barstow, Beaudette, Beaudoin, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Clark, Conover, Cotta, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Nass, Norton, Pendleton, Peoples, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Samson, Sarty, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Vaughan, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Beaulieu, Boland, Bryant, Chase, Cray, Curtis, Finley, Grose, Hamper, Jacobsen, Johnson, Knight, Lansley, Lewin, McKane, Miramant, Patrick, Pinkham, Plummer, Prescott, Robinson, Saviello, Thibodeau, Thomas, Tibbetts, Valentino, Walker, Weaver.

ABSENT - Cleary, Connor, Dunn, Emery, Fisher, Gifford, Joy, McFadden, McLeod, Moore, Muse, Percy, Pieh, Pineau, Rosen, Strang Burgess, Woodbury.

Yes, 102; No, 32; Absent, 17; Excused, 0.

102 having voted in the affirmative and 32 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-561) as Amended by House Amendment "A" (H-970) and House Amendment "B" (H-999)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.