

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

December 1, 2010 – June 29, 2011

pages 1 - 1067

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representatives from Biddeford are concerned about being pushed. I reiterate, in my initial speaking of 1203, that we have been working on getting a racino or a casino for the past 17 years. So I do not believe the good Representatives from the Biddeford area. That would be a response, that we've been working on it for 17 years and, to date, we still do not have one. However, you do have one in Bangor, Maine. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We had a very lengthy debate on this. I do not want to prolong the debate that we had the other evening. I just want to rise to support the Representatives from across the river and my citizens in the town of Saco who would like to see this go to referendum. I would like to also rise to support the Majority Report of the committee, which the Majority Report of the committee was to send this to the voters. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 168**

**YEA** - Ayotte, Beavers, Beck, Bickford, Black, Burns DR, Cain, Cebra, Chapman, Clark H, Clarke, Cotta, Cray, Curtis, Dill J, Dion, Dow, Duchesne, Dunphy, Eves, Fitts, Fitzpatrick, Flemings, Flood, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Hanley, Harmon, Harvell, Haskell, Herbig, Hogan, Hunt, Johnson P, Keschl, Knight, Kruger, Libby, Long, Lovejoy, Luchini, MacDonald, Maker, Maloney, Mazurek, McCabe, McClellan, McFadden, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Sanborn, Sanderson, Sarty, Shaw, Stevens, Stuckey, Theriault, Tilton, Turner, Tuttle, Volk, Waterhouse, Welsh, Winsor, Wood, Mr. Speaker.

**NAY** - Beaudoin, Beaulieu, Beliveau, Bennett, Berry, Blodgett, Boland, Briggs, Burns DC, Casavant, Celli, Chipman, Clark T, Cornell du Houx, Crafts, Crockett, Cushing, Davis, Eberle, Espling, Fossel, Guerin, Hamper, Harlow, Hayes, Hinck, Johnson D, Kaenrath, Kent, Kumiega, Lajoie, Longstaff, McKane, Morissette, Morrison, Moulton, Nass, Rochelo, Rosen, Rotundo, Russell, Sirocki, Strang Burgess, Timberlake, Treat, Valentino, Wagner R, Weaver, Webster.

**ABSENT** - Bolduc, Bryant, Carey, Chase, Damon, Driscoll, Edgecomb, Graham, Innes Walsh, Knapp, Malaby, Martin, Willette A, Willette M, Wintle.

Yes, 86; No, 49; Absent, 15; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

(H.P. 1042) (L.D. 1416)  
(C. "A" H-553)

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

On motion of Representative **CURTIS** of Madison, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ORDERS**

On motion of Representative **CURTIS** of Madison, the following Joint Order: (H.P. 1178)

**ORDERED**, the Senate concurring, that when the House and Senate adjourn, the House does so until Tuesday, June 14, 2011, at 9:00 in the morning and the Senate does so until Monday, June 13, 2011, at the call of the President of the Senate.

**READ and PASSED.**

Sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 205) (L.D. 624) Bill "An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-286)**

(S.P. 402) (L.D. 1299) Bill "An Act To Allow Deferred Disposition in Juvenile Cases" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-289)**

(S.P. 473) (L.D. 1503) Bill "An Act To Promote School Attendance and Increase School Achievement" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-287)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** as Amended in concurrence.

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**UNFINISHED BUSINESS**

The following matters, 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.

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 387) (L.D. 494)

(C. "A" H-76)

**TABLED** - April 28, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

**PENDING - FINAL PASSAGE.**

On motion of Representative **KESCHL** of Belgrade, the House **RECONSIDERED** its action whereby the **RESOLUTION** was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-76)**.

The same Representative **PRESENTED House Amendment "B" (H-565)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I submitted LD 494 after talking to one of my constituents, Kevin Lamoreau, who expressed concern that the State of Maine currently waits almost three years after a national census to redistrict our State, Senate and House districts. While this might not have been necessary in the past which much of the redistricting was done by hand calculations, now with technology advancements the time it takes to perform this task is greatly reduced. Almost all other states redistrict before the first election after the national census and this bill seeks to do the same, starting after the 2020 Census. This would allow Maine to redraw the current districts with the most recent census data to ensure that districts are fair and reflect the actual population so that every person is represented proportionately and has the same voting power. That is, one person one vote.

This amendment to LD 494 is intended to correct an inconsistency in our Constitution's reapportionment and redistricting that was brought to the attention of the Legislature this spring. Currently, in Maine's Constitution, redistricting is only mentioned for the State Senate and House of Representatives. The redistricting for the Congressional County Commissioner Districts is only in statute. To be consistent to ensure a smooth redistricting process after the 2020 Census, I believe we should adopt this amendment, have all of the elected districts that require redistricting be clearly stated in the Maine Constitution. Thank you.

Subsequently, **House Amendment "B" (H-565)** was **ADOPTED**.

Subsequently, the **RESOLUTION was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-76)** and **House Amendment "B" (H-565)** in **NON-CONCURRENCE** and sent for concurrence.

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**SENATE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (S-201) - Minority (1) Ought to Pass as Amended by Committee Amendment "B" (S-202) - Committee on ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Conform the Authority of the Department of Environmental Protection to Federal Law" (EMERGENCY)

(S.P. 507) (L.D. 1575)

- 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-201)**.

**TABLED** - June 3, 2011 (Till Later Today) by Representative **HAMPER** of Oxford.

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

Representative **CAIN** of Orono **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 Veazie, Representative **Parker**.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I rise in support of this motion, an emergency measure as well, because it is a very important measure. I just want to very briefly, without giving you a lot of detail, try to explain so we understand it very simply.

The state has a rule that if you receive in excess of 10 percent of your annual income or 50 percent of your retirement from an employer who has a wastewater discharge license issued under the National Pollutant Discharge Elimination System the EPA administers, then you are no longer eligible to serve as the commissioner of DEP or to serve on the Board of Environmental Protection. Well, we ran into that recently and, as a result, the commissioner stepped down, but we also have put our Board of Environmental Protection in an inactive status because several of the board members no longer qualify as well.

Let me explain to you one very simple thing that I think will help you understand the situation. The current chair of the board, Susan Lessard, who is the Town Manger of the Town of Hampden, she receives in excess of 10 percent of her income from the Town of Hampden because that's her full-time job. The Town of Hampden has a stormwater discharge license. As a result of that license she is no longer eligible to serve. Likewise, if you were an employee of Wal-Mart, and most Wal-Marts have stormwater discharge licenses, because of the size of the Wal-Marts, as an employee of Wal-Mart you would not be eligible to serve either as commissioner or as a member of the Board of Environmental Protection.

The reason it's important to look at this fairly quickly is since this was determined earlier this year, the Board of Environmental Protection has been put on hold. They have actual projects before them now that they cannot act on because there is no ability for them to react because their members basically are disqualified under this.

The title of the bill reads basically to put the State of Maine's rules regarding this in conformance with the federal rules. Well, we're doing that to some degree, but there are some caveats that we've added along with that that the attorneys working with our committee and working with the state have accomplished. Basically, if an individual who is under the law we're trying to cover now, if an individual meets the condition of where they could have a conflict, for example, on the Board of Environmental Protection, they could still serve on that board as long as they recuse themselves from an action that relates to their employer. Likewise, if the Department of Environmental Protection's next commissioner, whoever it might be, has a conflict or a potential conflict, then as they come in and take that, they have to actually prepare a plan and present it to the committee I sit on and before the confirmation to show how they would resolve an issue should it arise, so if something happens. The Department of Environmental Protection handles five or six thousand applications a year. Several hundred of those applications actually deal with the wastewater discharge licenses, so there is potential for conflict. But I think what we're doing with this, revising this law, is basically allowing us to appoint members to these boards who can serve, because if we don't do that, it's going to be very difficult to find anybody who can serve either as commissioner or members of the Board of Environmental Protection.

I've been around quite a long time. I actually worked with the DEP before it was the DEP. It was the Water Improvement Commission. Then it was the Environmental Improvement Commission. Then it became the DEP. The very first commissioner we had of DEP would be disqualified under the current law. Several of the other people who have worked for us, commissioner of DEP, may well be disqualified. I've never researched that. In effect, a municipal attorney probably would be disqualified under the current regulation because most municipalities have stormwater licenses or wastewater treatment plant discharges. So I think we have to look at this. It's very important, I think, that we get together and put this through on an