

# 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

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
FIRST REGULAR SESSION  
3rd Legislative Day  
Tuesday, January 13, 2009

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Paul Cates, Vassalboro Friends Meeting.

Pledge of Allegiance.

Doctor of the day, Thomas Marshall, M.D., Farmington.

The Journal of Wednesday, January 7, 2009 was read and approved.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Fund the Maine Downtown Center"

(H.P. 75) (L.D. 91)

Sponsored by Representative WATSON of Bath.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: BERRY of Bowdoinham, PERCY of Phippsburg, Speaker PINGREE of North Haven, PIOTTI of Unity, Senator: President MITCHELL of Kennebec.

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**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Amend the Laws Governing Construction Contracts"

(H.P. 77) (L.D. 93)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Senator BRYANT of Oxford and Representatives: AYOTTE of Caswell, BLODGETT of Augusta, CONNOR of Kennebunk, COTTA of China, JOY of Crystal, McKANE of Newcastle, PLUMMER of Windham, Senator: GERZOFKY of Cumberland.

Bill "An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program"

(H.P. 78) (L.D. 94)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator RECTOR of Knox and Representatives: AUSTIN of Gray, DRISCOLL of Westbrook, PENDLETON of Scarborough, SMITH of Monmouth, Senator: GERZOFKY of Cumberland.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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Bill "An Act Pertaining to the Quality Child Care Education Scholarship Fund" (EMERGENCY)

(H.P. 76) (L.D. 92)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator MILLS of Somerset and Representatives: BLODGETT of Augusta, BUTTERFIELD of Bangor, DRISCOLL of Westbrook, GILBERT of Jay, LOVEJOY of Portland, STUCKEY of Portland, SUTHERLAND of Chapman, Senator: ALFOND of Cumberland.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act To Correct the Law Concerning Private Investigators' License Qualifications"

(H.P. 104) (L.D. 122)

Sponsored by Representative HASKELL of Portland.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Eliminate Penalties for Nonconforming School Administrative Units" (EMERGENCY)

(H.P. 79) (L.D. 95)

Sponsored by Representative EDGECOMB of Caribou.

Cosponsored by Representative JOHNSON of Greenville and Representative: CLARK of Easton.

Bill "An Act To Authorize the Implementation of Modified School Year Calendars"

(H.P. 80) (L.D. 96)

Sponsored by Representative MILLETT of Waterford.

Cosponsored by Representative WATSON of Bath.

Resolve, Directing the Maine Community College System, the University of Maine System and the Department of Education To Develop a Plan To Enable High School Students To Achieve a Seamless Transition to Higher Education

(H.P. 81) (L.D. 97)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator BRYANT of Oxford and Representatives: FLAHERTY of Scarborough, MAZUREK of Rockland, PETERSON of Rumford, STUCKEY of Portland, TREAT of Hallowell, WATSON of Bath, WEBSTER of Freeport.

Resolve, To Direct the Department of Education and the Department of Health and Human Services To Require the Teaching of Mental Health Awareness in Middle Schools Based on a National Curriculum

(H.P. 82) (L.D. 98)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: HILL of York, LOVEJOY of Portland, PRIEST of Brunswick, STUCKEY of Portland, Senators: ALFOND of Cumberland, BRANNIGAN of Cumberland.

Bill "An Act To Repeal the Laws Governing Consolidation of School Administrative Units" (EMERGENCY)

(H.P. 99) (L.D. 115)

Sponsored by Representative EDGECOMB of Caribou.

Cosponsored by Representatives: CELLI of Brewer, CROCKETT of Bethel, JOHNSON of Greenville, Senator TRAHAN of Lincoln and Representative: CLARK of Easton.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act To Allow Authorization for the Release of HIV Information on a General Medical Information Release Form"

(H.P. 83) (L.D. 99)

Sponsored by Representative PINKHAM of Lexington Township.

Bill "An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes" (EMERGENCY)

(H.P. 85) (L.D. 101)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: JONES of Mount Vernon, MILLER of Somerville, Senator: BRANNIGAN of Cumberland.

Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.

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Bill "An Act To Improve Oral Health Care for Maine's Children"

(H.P. 84) (L.D. 100)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Representatives: CLEARY of Houlton, GILES of Belfast, MARTIN of Orono.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative PERRY of Calais, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act To Amend the Laws Regarding Overnight Parking of Recreational Vehicles"

(H.P. 98) (L.D. 114)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: McFADDEN of Dennysville, WILLETTE of Presque Isle.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative PERRY of Calais, the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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#### JUDICIARY

Bill "An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction"

(H.P. 87) (L.D. 103)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Senator BRYANT of Oxford and Representatives: BLANCHARD of Old Town, BRIGGS of Mexico, CONNOR of Kennebunk, FINCH of Fairfield, MAGNAN of Stockton Springs, PRATT of Eddington, Senators: GERZOFISKY of Cumberland, PLOWMAN of Penobscot.

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Bill "An Act To Fund Fully the Purchase of Military Time" (EMERGENCY)

(H.P. 88) (L.D. 104)

Sponsored by Representative DAVIS of Sangerville.

Committee on **LABOR** suggested.

On motion of Representative TUTTLE of Sanford, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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#### LEGAL AND VETERANS AFFAIRS

Bill "An Act To Exempt a Door Prize Awarded at a Fishing Tournament from Being Classified as a Game of Chance"

(H.P. 86) (L.D. 102)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator BRYANT of Oxford and Representative: BLANCHARD of Old Town.

Bill "An Act To Increase the Allowable Contributions to Traditionally Funded Campaigns"

(H.P. 89) (L.D. 105)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator SMITH of Piscataquis and Representatives: SARTY of Denmark, SAVIELLO of Wilton, TARDY of Newport, THOMAS of Ripley, Senator: TRAHAN of Lincoln.

Bill "An Act To Allow Political Signs on Private Property Only"

(H.P. 101) (L.D. 116)

Sponsored by Representative EBERLE of South Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, BUTTERFIELD of Bangor, HINCK of Portland, KAENRATH of South Portland, MORRISON of South Portland, Senator: BLISS of Cumberland.

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Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"

(H.P. 90) (L.D. 106)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Representatives: BROWNE of Vassalboro, PLUMMER of Windham, SARTY of Denmark.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative TRINWARD of Waterville, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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#### NATURAL RESOURCES

Bill "An Act To Change the Classification of Man-made Wetlands"

(H.P. 91) (L.D. 107)

Sponsored by Representative THOMAS of Ripley.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: CLARK of Millinocket, CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, JOHNSON of Greenville, JOY of Crystal, SAVIELLO of Wilton, Senator: GOOLEY of Franklin.

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#### STATE AND LOCAL GOVERNMENT

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years

(H.P. 92) (L.D. 108)

Sponsored by Representative HOGAN of Old Orchard Beach.

Cosponsored by Representative JOHNSON of Greenville, Senator GERZOFISKY of Cumberland and Representatives: BROWNE of Vassalboro, CONNOR of Kennebunk, EBERLE of South Portland, MAZUREK of Rockland, PEOPLES of Westbrook.

Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence

(H.P. 102) (L.D. 117)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BERRY of Bowdoinham, BLODGETT of Augusta, BRIGGS of Mexico, CRAFTS of Lisbon, GILES of Belfast, HARLOW of Portland, HASKELL of Portland, MILLETT of Waterford, PRESCOTT of Topsham, SIROIS of Turner,

STEVENS of Bangor, SYKES of Harrison, WEBSTER of Freeport, Senators: BARTLETT of Cumberland, BOWMAN of York, HOBBS of York, JACKSON of Aroostook, President MITCHELL of Kennebec, SMITH of Piscataquis.

Bill "An Act To Reduce the Length of the Legislative Sessions"

(H.P. 103) (L.D. 121)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Representatives: MILLETT of Waterford, NUTTING of Oakland, ROBINSON of Raymond.

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### TAXATION

Bill "An Act To Exempt Residential Electricity from Sales Tax"

(H.P. 93) (L.D. 109)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: CROCKETT of Bethel, SARTY of Denmark, SAVIELLO of Wilton, TARDY of Newport, THOMAS of Ripley.

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### TRANSPORTATION

Bill "An Act To Allow School Buses To Travel at the Posted Speed Limit on the Interstate and the Maine Turnpike"

(H.P. 94) (L.D. 110)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Representatives: BROWNE of Vassalboro, CUSHING of Hampden, DAVIS of Sangerville, GIFFORD of Lincoln, HANLEY of Gardiner, HAYES of Buckfield, THIBODEAU of Winterport, Senator: JACKSON of Aroostook.

Resolve, To Name Part of Route 16 the Alton E. Worcester Highway

(H.P. 95) (L.D. 111)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Senator SMITH of Piscataquis and Representative: DAVIS of Sangerville.

Bill "An Act To Prohibit the Use of Handheld Cellular Telephones while Driving"

(H.P. 96) (L.D. 112)

Sponsored by Representative CROCKETT of Augusta.

Cosponsored by Senator SULLIVAN of York and Representatives: BRIGGS of Mexico, FINCH of Fairfield, HARLOW of Portland, JONES of Mount Vernon, JOY of Crystal, MILLER of Somerville, PRATT of Eddington, Senator: GERZOFKY of Cumberland.

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### UTILITIES AND ENERGY

Bill "An Act Regarding Construction and Excavation near Burial Sites"

(H.P. 97) (L.D. 113)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, CONNOR of Kennebunk, DUCHESNE of Hudson, KRUGER of Thomaston, MacDONALD of Boothbay, SIROIS of Turner, SOCTOMAH of the Passamaquoddy Tribe, TUTTLE of Sanford.

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### Pursuant to Statute Department of Education

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter

181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 67) (L.D. 77)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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### Pursuant to Statute Department of Education

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 68) (L.D. 78)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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### Pursuant to Statute Department of Education

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 69) (L.D. 79)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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### Pursuant to Statute Department of Health and Human Services

Representative PERRY for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services (EMERGENCY)

(H.P. 70) (L.D. 80)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.  
Sent for concurrence.

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**Pursuant to Statute  
Office of the Attorney General**

Representative PERRY for the **Office of the Attorney General** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General (EMERGENCY)

(H.P. 71) (L.D. 81)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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**ORDERS**

On motion of Speaker PINGREE of North Haven, the following Joint Resolution: (H.P. 105) (Cosponsored by President MITCHELL of Kennebec and Representative: TARDY of Newport, Senators: MARRACHÉ of Kennebec, RAYE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT-ELECT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE "DIVIDED WE FAIL" EFFORT**

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President-elect of the United States and the members of the United States Congress, as follows:

WHEREAS, the opportunity to have access to health care and long-term financial security is a basic need that all Americans share and it is the foundation for future generations; and

WHEREAS, we believe that all Americans should have peace of mind about their future long-term financial security and have access to affordable health care, including prescription drugs, and these costs should not burden future generations; and

WHEREAS, wellness and prevention efforts, including changes in personal behavior such as diet and exercise, should be top national priorities; and

WHEREAS, Americans should have choices when it comes to long-term care, allowing them to maintain their independence at home or in their communities with expanded and affordable financing options; and

WHEREAS, our children and grandchildren should have an adequate quality of life when they retire, and Social Security must be strengthened without burdening future generations; and

WHEREAS, workers should be provided with financial incentives to save, should have access to effective retirement plans and should be able to keep working and contributing to society regardless of age; moreover, Americans of all ages should have access to tools to help manage their finances and

save for the future as well as easy-to-understand information to help them increase their financial literacy and manage their money wisely; and

WHEREAS, individuals, businesses, health care providers, nonprofit organizations and government must work together to find solutions, personally, privately and publicly; and

WHEREAS, the American Association of Retired Persons, the Business Roundtable and the Service Employees International Union have committed to be champions for this new American dream by launching Divided We Fail, an effort that engages millions of Americans to call their elected leaders to work together across party lines to provide answers, action and accountability on these issues; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, express our support for the Divided We Fail effort and respectfully urge federal elected officials to do the same; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President-elect of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative SCHATZ of Blue Hill, the following Joint Order: (H.P. 72)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 305-A to read:

**Rule 305-A. Research required.**

Nonpartisan committee staff shall conduct background research on all bills and resolves referred to a committee and shall present their research findings to the committee before a public hearing is held on those bills or resolves.

Joint Select Committee on **JOINT RULES** suggested.

**READ and REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative HARLOW of Portland, the following Joint Order: (H.P. 73)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 202 to read:

**Rule 202. Cloture for Legislators at the First Regular Session.**

Except as provided in this Joint Rule, all requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December. For the First Regular Session of the 124th Legislature, requests for bills and resolves submitted by Legislators for the first regular session must be submitted in complete form, as provided in Joint Rules Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in January.

Beginning with the First Regular Session of the 125th Legislature, and notwithstanding any rule of the Legislative Council, a Legislator may propose for introduction under the procedures established under this Joint Rule not more than 7 bills or resolves.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 203 to read:

**Rule 203. Cloture for Legislators at the Second Regular Session.**

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.

Beginning with the Second Regular Session of the 124th Legislature, and notwithstanding any rule of the Legislative Council, a Legislator may propose for introduction under the procedures established under this Joint Rule not more than 7 bills or resolves.

Joint Select Committee on **JOINT RULES** suggested.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative PERRY of Calais, the following Joint Order: (H.P. 74)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 317 to read:

**Rule 317. Review of provisions affecting the Fund for a Healthy Maine.**

Whenever a legislative proposal in a resolve or bill, including a budget bill, affects the Fund for a Healthy Maine under the Maine Revised Statutes, Title 22, section 1511, or involves funding from the Fund for a Healthy Maine, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over health and human services matters to review and evaluate the proposal as it pertains to the Fund for a Healthy Maine. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall conduct the review and report back to the committee of jurisdiction.

Joint Select Committee on **JOINT RULES** suggested.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative DILL of Cape Elizabeth, the following Joint Order: (H.P. 100)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 211 by adding after the last paragraph a new paragraph to read:

By signing the bill the primary sponsor is certifying to the best of the primary sponsor's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that:

**1. Not presented for improper purpose.** The bill is not being presented for any improper purpose;

**2. Warranted by nonfrivolous argument.** The bill is warranted by nonfrivolous argument; and

**3. Sponsor will vote for bill.** If brought to the floor for a vote in a substantially similar form as the original bill, the primary sponsor will vote for the bill.

Joint Select Committee on **JOINT RULES** suggested.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 106)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 305 to read:

**Rule 305. Scheduling Public Hearings and Work Sessions.**

At the beginning of the regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day on the ~~board boards~~ provided for that purpose ~~on the third floor of in~~ the State House and the Burton M. Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

Public hearings must be advertised ~~2-weekends in~~ newspapers one weekend in advance of the hearing date, as long as the hearing date is not earlier than the first Wednesday following the newspaper advertisement. Notice of all public hearings schedules for the following week must appear on the Legislature's public bill status website no later than 5 p.m. each Wednesday. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings and allow adequate time for participation by disabled persons.

Joint Select Committee on **JOINT RULES** suggested.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative CAREY of Lewiston, the following Joint Order: (H.P. 107)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 108 to read:

**Rule 108. Agreement with Legislative Code of Ethics.**

All members shall sign and file with their Presiding Officer a statement that they understand and will abide by the Legislative Code of Ethics.

Joint Select Committee on **JOINT RULES** suggested.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent for concurrence.

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On motion of Representative PENDLETON of Scarborough, the following House Order: (H.O. 8)

ORDERED, that the House Rules be amended by amending House Rule 525 to read:

**Rule 525. Penobscot Nation and Passamaquoddy Tribe.**

The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included. The names of the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be included on the roll call board for purposes of electronically recording their attendance only.

Committee on **HOUSE RULES** suggested.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative **PENDLETON**: Thank you, Madam Chair. Men and Women of the House, sometimes we kind of look at our rules and we send them off to committee and don't think too much more about them. But this rule, I think, is a very important rule because it affects two of our members that had been members of this particular body since it began back in history, but their names have never been on our attendance board. What this rule would do is put the Penobscot Nation and the Passamaquoddy Tribe names on the attendance board, so that when we have our attendance and our quorum call, they can push the button and proudly have their names up there.

I want to say that I am not the only person that had this in mind. I started working on this last summer after reading a very lovely book that was written by Donna Loring, one of the Representatives, and I hope that the new members get a chance to read the book. Actually, it is a journal about her service here in this body. There were many, many other people that worked on this with me, and I cannot name all the Representatives off because I am not supposed to, but I just want to thank the people that also worked on this joint rule with me. Hopefully, it will pass through the committee and we will be successful. Thank you.

Subsequently, the House Order was **REFERRED** to the Committee on **HOUSE RULES**.

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**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

the Brownville Fire Department, of Brownville, for exceptional accomplishment in providing critical emergency response services to the town and surrounding communities. Members of the department consistently demonstrate dedication and personal sacrifice to ensure a high-quality response to the emergency needs of the area regardless of the time of day or the harshness of the weather conditions. Their selfless dedication to ideals greater than themselves serves as an inspiration to all citizens and provides important emergency services to the Town of Brownville. The culmination of the Brownville Fire Department's responses to critical situations over the past year fostered a great sense of community and charity among the citizens of Brownville

and reflects the best traditions and motivations to service in our State;

(HLS 23)

Presented by Representative JOHNSON of Greenville.

Cosponsored by Senator SMITH of Piscataquis.

On **OBJECTION** of Representative JOHNSON of Greenville, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. Ladies and Gentlemen of the House. Brownville, Maine is a small town in northern Piscataquis County, population 1,157. They are a close-knit town seeped in history. They were a major crossroads during the heydays of the great north woods, they are a major railroad hub in northern Maine, and it is a pleasure to honor the Brownville Fire Department.

Volunteer fire departments, as many in this body know, are always difficult to recruit. The Brownville Fire Department has a robust group of firefighters that give up a huge amount of time for training to be ready, they brave all kinds of weather for the protection of their neighbors, and there is a bond among firefighters, forged by the potential to confront danger. The performance of the Brownville Fire Department has enhanced the community spirit of Brownville, added to the safety of the community and the surrounding communities, and is truly a selfless display of dedication. Thank you very much.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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**In Memory of:**

Michael Snowman, of Hartland, a dedicated Hartland Volunteer Firefighter who died while fighting a house fire in Detroit, Maine. Mr. Snowman was a 25-year member of the department and served as the Secretary-Treasurer, and Fire Police and Safety Officer. He was a 1978 graduate of the Maine Central Institute and served six years in the United States Army with three years of foreign service. Mr. Snowman was a member of the Hartland Baptist Church, where he was the Sunday School Superintendent. He died in the line of duty, doing what he loved to do and helping others. We acknowledge his commitment to his community, his State and his Nation. He will be greatly missed and long remembered by his family, his community and his friends;

(SLS 4)

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **ADOPTION** in concurrence and later today assigned.

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Agriculture, Conservation and Forestry**

**Pursuant to Public Law**

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use

(H.P. 64) (L.D. 74)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Public Law 2007, chapter 660, section 18.



Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

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**Refer to the Committee on Agriculture, Conservation and Forestry**

**Pursuant to Public Law**

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation

(H.P. 65) (L.D. 75)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Public Law 2007, chapter 660, section 18.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

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**Refer to the Committee on Education and Cultural Affairs**

**Pursuant to Public Law**

Representative SUTHERLAND for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Resolve, To Study the Feasibility of Expanding the Curriculum of the Maine School of Science and Mathematics

(H.P. 66) (L.D. 76)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Public Law 2007, chapter 660, section 18.

Report was **READ** and **ACCEPTED**.

On motion of Representative SUTHERLAND of Chapman, the Resolve was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

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The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, January 7, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Amend the Legislative Term Limit Laws"

(H.P. 26) (L.D. 31)

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested) TABLED - January 7, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **REFERENCE**.

Subsequently, on motion of Representative TRINWARD of Waterville, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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**SENATE PAPERS**

The following Joint Order: (S.P. 28)

**ORDERED, the House concurring**, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

If the Office of Fiscal and Program Review receives information provided by the executive branch to develop the fiscal note, then the office shall immediately provide that information, including the identity of any person from whom the information was obtained, to the sponsor of the bill or resolve.

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

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The following Joint Order: (S.P. 29)

**ORDERED, the House concurring**, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

If the Office of Fiscal and Program Review contacts a source outside of the Legislature for assistance with developing the fiscal note on a bill or resolve, then the office must provide the sponsor of that bill or resolve with the opportunity to be present when the outside source conveys its assistance to the office.

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

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The following Joint Order: (S.P. 30)

**ORDERED, the House concurring**, that the Joint Rules be amended by amending Joint Rule 202 by adding at the end a new paragraph as follows:

Beginning with the First Regular Session of the 124th Legislature, and notwithstanding any rule of the Legislative Council, a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be approved by a minimum of 3 members of the Legislative Council. The vote must be taken by the yeas and nays and must be recorded and made available for public inspection.

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

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The following Joint Order: (S.P. 42)

**ORDERED, the House concurring**, that the Joint Rules be amended by amending Joint Rule 310, subsection 2 to read:

**2. Committee Reports.** The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee
- Leave to Withdraw

The Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. Except as provided in subsection 5, minority committee reports must be voted on at the same work session as the majority report on that bill. Notwithstanding subsection 5, a committee vote to

report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

; and be it further ORDERED, that the Joint Rules be amended by adding at the end of Joint Rule 310 a new subsection 6 to read:

**6. Leave to Withdraw.** A sponsor may request leave to withdraw that sponsor's bill or resolve. The request may be granted only by the agreement of both chairs of the joint standing committee to which the bill or resolve was referred and only if the request is made prior to the public hearing on that bill or resolve. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve must be reported by the committee as Leave to Withdraw and placed in the legislative files and may be recalled only as provided in Joint Rule 404.

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

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Bill "An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings"

(S.P. 38) (L.D. 89)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY)

(S.P. 40) (L.D. 118)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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Bill "An Act To Amend the Laws Governing Public Water System Operation Fees"

(S.P. 41) (L.D. 119)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion of Representative PINGREE of North Haven, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE** and sent for concurrence.

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Bill "An Act To Simplify and Consolidate Maine's Fishing Laws and Rules"

(S.P. 34) (L.D. 85)

Bill "An Act To Permit Personal Watercraft on Lake St. George in Liberty"

(S.P. 37) (L.D. 88)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State"

(S.P. 32) (L.D. 83)

Bill "An Act To Ensure Fair Pay"

(S.P. 33) (L.D. 84)

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

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

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Bill "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area"

(S.P. 31) (L.D. 82)

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

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

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Bill "An Act To Conform the Maine Tax Laws for 2008 to the United States Internal Revenue Code" (EMERGENCY)

(S.P. 35) (L.D. 86)

Bill "An Act To Allow the Same Homestead and Veterans' Exemptions to a Person Who Has a Life Lease as Are Allowed to Those Who Have a Life Estate" (EMERGENCY)

(S.P. 36) (L.D. 87)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 39) (L.D. 90)

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

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

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Bill "An Act To Clarify the Criteria for Provision of Assistance to Low-income Customers of Natural Gas Companies"

(S.P. 43) (L.D. 120)

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.

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

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On motion of Representative CROCKETT of Augusta, the House adjourned at 10:55 a.m., until 10:00 a.m., Thursday, January 15, 2009 and in honor and lasting tribute to Carmel "Bidou" Castonguay, of Van Buren, Samuel Schoppee Silsby, Jr., of Augusta and Ada L. Dunn, of Caribou.