

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
12th Legislative Day
Tuesday, February 17, 2009

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

Prayer by Pastor Mark Stockwell, Hope Community Bible Church.

National Anthem by Meagan Scully, Winthrop.

Pledge of Allegiance.

Doctor of the day, James VanKirk, M.D., Veazie.

The Journal of Thursday, February 12, 2009 was read and approved.

SENATE PAPERS

Bill "An Act To Ensure Maine's Energy Security and Reduce Dependence on Oil"

(S.P. 196) (L.D. 501)

Committee on **NATURAL RESOURCES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE** and ordered printed.

REFERRED to the Joint Select Committee on **MAINE'S ENERGY FUTURE** in concurrence.

Non-Concurrent Matter

Bill "An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction"

(H.P. 332) (L.D. 444)

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in the House on February 10, 2009.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 55)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 231

Resolve, Directing the Chancellor of the University of Maine System and the President of the Maine Community College System To Develop Recommendations To Address the Professional Needs of State Employees

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Justin L. Alfond

Senate Chair

S/Rep. Patricia B. Sutherland

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 56)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 11, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 228

An Act To Prevent Teenage Substance Abuse and Suicide

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 57)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 10, 2009

Honorable Elizabeth H. Mitchell, President of the Senate

Honorable Hannah M. Pingree, Speaker of the House

124th Legislature

State House

Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 18

An Act To Ensure Access to MaineCare Services

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 58)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON TAXATION**

February 10, 2009
Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House
124th Legislature
State House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 57 An Act To Exempt Small Privately Owned Windmills from the Property Tax
- L.D. 87 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)

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Potential Uses of a Potato Plant That Is Toxic to the Colorado Potato Beetle

(H.P. 395) (L.D. 557)

Sponsored by Representative DAVIS of Sangerville.
Cosponsored by Representatives: EDGECOMB of Caribou, JOHNSON of Greenville, JOY of Crystal, THERIAULT of Madawaska, Senator: SMITH of Piscataquis.

Bill "An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission"

(H.P. 396) (L.D. 558)

Sponsored by Representative SAVIELLO of Wilton.
Cosponsored by Senator GOOLEY of Franklin and Representatives: CLARK of Millinocket, CROCKETT of Bethel, DAVIS of Sangerville, JOHNSON of Greenville, McFADDEN of Dennysville, Senators: SHERMAN of Aroostook, SMITH of Piscataquis.

Bill "An Act To Update the Board of Pesticides Control"
(H.P. 397) (L.D. 559)

Sponsored by Representative CONNOR of Kennebunk.
Cosponsored by Senator HOBBS of York and Representatives: CLEARY of Houlton, CRAY of Palmyra, McCABE of Skowhegan, PRATT of Eddington, SHAW of Standish, SMITH of Monmouth, Senator: NUTTING of Androscoggin.

Bill "An Act To Ban the Hunting of Animals in Enclosed Areas"
(H.P. 398) (L.D. 560)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Representative RUSSELL of Portland, Senator NUTTING of Androscoggin and Representatives: BOLAND of Sanford, EBERLE of South Portland, GILES of Belfast, MAZUREK of Rockland, ROTUNDO of Lewiston, TRINWARD of Waterville, Senator: GERZOFKY of Cumberland.

Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland
(H.P. 399) (L.D. 561)

Sponsored by Representative WATSON of Bath.
Bill "An Act To Support Maine State Parks"
(H.P. 400) (L.D. 562)

Sponsored by Representative McCABE of Skowhegan.
Cosponsored by Senator BRYANT of Oxford and Representatives: CRAY of Palmyra, EDGECOMB of Caribou, FLOOD of Winthrop, GIFFORD of Lincoln, O'BRIEN of Lincolnville, PIEH of Bremen, PRATT of Eddington, Senator: NUTTING of Androscoggin.
Submitted by the Department of Conservation pursuant to Joint Rule 204.

Bill "An Act To Pay a State Share into the HealthInfoNet System"
(H.P. 401) (L.D. 563)

Sponsored by Representative MILLER of Somerville.
Cosponsored by Senator RAYE of Washington and Representatives: CONNOR of Kennebunk, PERRY of Calais, Senator: MILLS of Somerset.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative CAIN of Orono, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Promote Independence and Facilitate Employment for Visually Impaired or Blind Individuals by Investing in an Effective Vision Rehabilitation System"

(H.P. 402) (L.D. 564)

Sponsored by Representative DRISCOLL of Westbrook.
Cosponsored by Senator MILLS of Somerset, Senator JACKSON of Aroostook and Representatives: BUTTERFIELD of Bangor, CLARK of Millinocket, GILBERT of Jay, PEOPLES of Westbrook, TUTTLE of Sanford.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative CAIN of Orono, the Bill was **REFERRED** to the Committee on **LABOR**, ordered printed and sent for concurrence.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Define 'Edentulous Arch' in the Laws Governing Denturists"
(H.P. 403) (L.D. 565)

Sponsored by Representative SHAW of Standish.
Cosponsored by Senator JACKSON of Aroostook and Representatives: BRYANT of Windham, DUCHESNE of Hudson, GILBERT of Jay, GILES of Belfast, WALSH INNES of Yarmouth, MacDONALD of Boothbay, McCABE of Skowhegan, WILLETTE of Presque Isle.

Bill "An Act To Amend the Petroleum Market Share Act"
(H.P. 404) (L.D. 566)

Sponsored by Representative HUNT of Buxton.
Cosponsored by Representatives: CLEARY of Houlton, COHEN

of Portland, EATON of Sullivan, FLAHERTY of Scarborough, SMITH of Monmouth.

Bill "An Act To Promote the Accessibility and Use of Reusable Bags"

(H.P. 436) (L.D. 622)

Sponsored by Representative KNAPP of Gorham.

Cosponsored by Senator SIMPSON of Androscoggin and Representatives: BOLDUC of Auburn, DUCHESNE of Hudson, SANBORN of Gorham, TILTON of Harrington, WELSH of Rockport.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Provide Increased Protection for Victims of Domestic Violence"

(H.P. 405) (L.D. 567)

Sponsored by Representative ROSEN of Bucksport.

Cosponsored by Senator ROSEN of Hancock and Representatives: CAMPBELL of Newfield, DUCHESNE of Hudson, WALSH INNES of Yarmouth, KNAPP of Gorham, PRATT of Eddington, SAVIELLO of Wilton, STRANG BURGESS of Cumberland, SYKES of Harrison.

Bill "An Act To Amend the Sex Offender Registration Laws" (EMERGENCY)

(H.P. 406) (L.D. 568)

Sponsored by Representative SYKES of Harrison.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: HANLEY of Gardiner, HASKELL of Portland, PLUMMER of Windham, ROSEN of Bucksport.

Bill "An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases"

(H.P. 419) (L.D. 581)

Sponsored by Representative CLEARY of Houlton.

Cosponsored by Representatives: CONNOR of Kennebunk, HUNT of Buxton, MARTIN of Eagle Lake, SCHATZ of Blue Hill, SMITH of Monmouth, Senators: GERZOFISKY of Cumberland, RECTOR of Knox.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

On motion of Representative HASKELL of Portland, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Concerning the Maine School of Science and Mathematics"

(H.P. 407) (L.D. 569)

Sponsored by Representative PIEH of Bremen.

Bill "An Act To Improve the Laws Governing the Consolidation of School Administrative Units"

(H.P. 408) (L.D. 570)

Sponsored by Representative FINCH of Fairfield.

Bill "An Act To Protect College Students from Predatory Marketing and Lending Practices"

(H.P. 409) (L.D. 571)

Sponsored by Representative RUSSELL of Portland.

Cosponsored by Senator ALFOND of Cumberland and Representatives: ADAMS of Portland, BECK of Waterville, CORNELL du HOUX of Brunswick, PRATT of Eddington, TREAT of Hallowell, TRINWARD of Waterville, WEAVER of York, Senator: SULLIVAN of York.

HEALTH AND HUMAN SERVICES

Bill "An Act To Expand the Membership of the Maine Elder Death Analysis Review Team"

(H.P. 410) (L.D. 572)

Sponsored by Representative CAMPBELL of Newfield.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BEAUDOIN of Biddeford, EVES of North Berwick, HARLOW of Portland, LEWIN of Eliot, PERRY of Calais, PETERSON of Rumford, Senators: CRAVEN of Androscoggin, McCORMICK of Kennebec.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act Requiring Assisted Living Facilities To Provide Automated External Defibrillator Availability"

(H.P. 411) (L.D. 573)

Sponsored by Representative DAVIS of Sangerville. (BY REQUEST)

Cosponsored by Representative: JOHNSON of Greenville, Senator: SMITH of Piscataquis.

Resolve, To Increase the Blood Supply

(H.P. 412) (L.D. 574)

Sponsored by Representative WAGNER of Lyman.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CELLI of Brewer, EVES of North Berwick, PERRY of Calais, PETERSON of Rumford, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of Portland.

Bill "An Act To Preserve the Commitment Made to Children in the State's Care"

(H.P. 413) (L.D. 575)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BOLAND of Sanford, CLEARY of Houlton, EATON of Sullivan, EVES of North Berwick, HUNT of Buxton, PETERSON of Rumford, STUCKEY of Portland, Senator: COURTNEY of York.

Resolve, To Require the Department of Health and Human Services and the Maine State Housing Authority To Create Efficiencies in Existing Services for Persons Who Are Homeless

(H.P. 414) (L.D. 576)

Sponsored by Representative CAMPBELL of Newfield.

Cosponsored by President MITCHELL of Kennebec and Representatives: ADAMS of Portland, CROCKETT of Augusta, HASKELL of Portland, Speaker PINGREE of North Haven, Senators: BRANNIGAN of Cumberland, HOBBS of York, MILLS of Somerset, PERRY of Penobscot.

Bill "An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations"

(H.P. 437) (L.D. 623)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BEAUDETTE of Biddeford, MARTIN of Eagle Lake, PETERSON of Rumford, STRANG BURGESS of Cumberland, STUCKEY of Portland.

Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

(H.P. 438) (L.D. 624)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: JONES of Mount Vernon, JOY of Crystal,

LEWIN of Eliot, PERRY of Calais, SANBORN of Gorham, STUCKEY of Portland, Senators: MARRACHÉ of Kennebec, MILLS of Somerset.

Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services

(H.P. 439) (L.D. 625)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator BOWMAN of York and Representatives: CAIN of Orono, JONES of Mount Vernon, MILLER of Somerville, PERRY of Calais, STUCKEY of Portland, WEBSTER of Freeport, Senators: MILLS of Somerset, PERRY of Penobscot.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Create a Speed Limit on Long Lake and Brandy Pond in Cumberland County"

(H.P. 415) (L.D. 577)

Sponsored by Representative SYKES of Harrison.

Cosponsored by Senator HASTINGS of Oxford and Representatives: CEBRA of Naples, ROBINSON of Raymond.

Bill "An Act To Increase Participation in Funding the Activities of the Department of Inland Fisheries and Wildlife"

(H.P. 440) (L.D. 626)

Sponsored by Representative EBERLE of South Portland.

Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, CAMPBELL of Newfield, CLARK of Millinocket, DAVIS of Sangerville, DUCHESNE of Hudson, Speaker PINGREE of North Haven, WHEELER of Kittery, Senator: McCORMICK of Kennebec.

Bill "An Act To Allow a Senior Hunter To Take an Antlerless Deer in Any Zone Designated by the Department of Inland Fisheries and Wildlife"

(H.P. 441) (L.D. 627)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representative: DAVIS of Sangerville.

JUDICIARY

Bill "An Act Concerning the Automatic Dissolution of Certain Marriages" (EMERGENCY)

(H.P. 418) (L.D. 580)

Sponsored by Representative PRIEST of Brunswick.

Cosponsored by Senator HASTINGS of Oxford.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent"

(H.P. 420) (L.D. 582)

Sponsored by Representative DILL of Cape Elizabeth.

Cosponsored by Senator SIMPSON of Androscoggin and Representative: BRYANT of Windham, Senator: HOBBS of York.

LABOR

Bill "An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions"

(H.P. 416) (L.D. 578)

Sponsored by Representative WATSON of Bath.

Bill "An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System"

(H.P. 417) (L.D. 579)

Sponsored by Representative MILLER of Somerville.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Relating to Political Action Committees"

(H.P. 421) (L.D. 583)

Sponsored by Representative TRINWARD of Waterville.

Cosponsored by Senator SULLIVAN of York and Representatives: BOLAND of Sanford, CAREY of Lewiston, RUSSELL of Portland, TUTTLE of Sanford, VALENTINO of Saco.

Bill "An Act To Amend the Maine Clean Election Act To Equalize the Qualifying Period for All Candidates and To Increase the Number of Required Contributions for Candidates to the Legislature"

(H.P. 422) (L.D. 584)

Sponsored by Representative TRINWARD of Waterville.

Cosponsored by Senator SULLIVAN of York and Representatives: BOLAND of Sanford, CAREY of Lewiston, CORNELL du HOUX of Brunswick, RUSSELL of Portland, TUTTLE of Sanford, VALENTINO of Saco.

MARINE RESOURCES

Bill "An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses"

(H.P. 423) (L.D. 585)

Sponsored by Representative FLAHERTY of Scarborough.

Cosponsored by Senator BLISS of Cumberland and Representatives: BERRY of Bowdoinham, CONNOR of Kennebunk, MAZUREK of Rockland, MORRISON of South Portland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, Senator: BARTLETT of Cumberland.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Retain Business in the State By Amending the Law Governing State Contract Bids"

(H.P. 424) (L.D. 586)

Sponsored by Representative THOMAS of Ripley.

Cosponsored by Senator PERRY of Penobscot and Representatives: CEBRA of Naples, CLARK of Millinocket, CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, SYKES of Harrison, TUTTLE of Sanford, Senator: SMITH of Piscataquis.

Bill "An Act To Allow a Board of Selectmen To Fill a Vacancy on That Board"

(H.P. 425) (L.D. 587)

Sponsored by Representative ROBINSON of Raymond.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: BEAUDETTE of Biddeford, CEBRA of Naples, COTTA of China, CRAY of Palmyra, KNAPP of Gorham, MILLETT of Waterford, SARTY of Denmark, WEAVER of York.

TAXATION

Bill "An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation"

(H.P. 426) (L.D. 588)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator PERRY of Penobscot and Representative: VALENTINO of Saco.

Bill "An Act To Encourage the Production of Liquid Biofuels"

(H.P. 427) (L.D. 589)

Sponsored by Representative BUTTERFIELD of Bangor.

Bill "An Act To Establish a Wellness Tax Credit"

(H.P. 428) (L.D. 590)

Sponsored by Representative GILES of Belfast.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: AUSTIN of Gray, JONES of Mount Vernon, KNAPP of Gorham, KNIGHT of Livermore Falls, PERRY of Calais, PRESCOTT of Topsham, STRANG BURGESS of Cumberland, Senator: RECTOR of Knox.

TRANSPORTATION

Bill "An Act Regarding the Granting of a Work-restricted Driver's License for Travel to and from Work for Certain Persons with Suspended Licenses"

(H.P. 429) (L.D. 591)

Sponsored by Representative MILLER of Somerville.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: CONNOR of Kennebunk, HOGAN of Old Orchard Beach, PERRY of Calais, WEBSTER of Freeport.

Bill "An Act To Increase Mandatory Minimum Insurance Requirements for Vehicles for Hire"

(H.P. 430) (L.D. 592)

Sponsored by Representative FLAHERTY of Scarborough.

Cosponsored by Senator BLISS of Cumberland and Representatives: BECK of Waterville, BRYANT of Windham, HINCK of Portland, MARTIN of Orono, MORRISON of South Portland, SMITH of Monmouth, Senator: BARTLETT of Cumberland.

Resolve, To Require the Department of Transportation To Improve the Safety of the Intersection of Route 4 and the Dill Road in the Town of Phillips

(H.P. 431) (L.D. 593)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Senator GOOLEY of Franklin.

Bill "An Act To Require That Police Reports Be Filed in All Automobile Accidents"

(H.P. 432) (L.D. 594)

Sponsored by Representative RICHARDSON of Warren.

Committee on **TRANSPORTATION** suggested.

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

Bill "An Act To Prevent High-speed Chases"

(H.P. 433) (L.D. 595)

Sponsored by Representative KNAPP of Gorham.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: BEAUDOIN of Biddeford, BOLDUC of Auburn, BURNS of Whiting, HASKELL of Portland, NASS of Acton, SANBORN of Gorham, Senator: GOOLEY of Franklin.

Committee on **TRANSPORTATION** suggested.

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

UTILITIES AND ENERGY

Bill "An Act To Allow Electricity Customers Who Operate Generating Facilities To Be Paid in Cash for Excess Net Energy Produced"

(H.P. 434) (L.D. 596)

Sponsored by Representative MARTIN of Orono.

Cosponsored by Senator PERRY of Penobscot and Representatives: BLANCHARD of Old Town, CLARK of Millinocket, GILES of Belfast, GOODE of Bangor, MacDONALD of Boothbay, PETERSON of Rumford, SMITH of Monmouth, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Amend the Laws Governing Public Safety Answering Points"

(H.P. 435) (L.D. 597)

Sponsored by Representative COTTA of China.

Cosponsored by Senator McCORMICK of Kennebec and Representatives: BEAUDETTE of Biddeford, CLEARY of Houlton, CRAY of Palmyra, FLETCHER of Winslow, GOODE of Bangor, MILLER of Somerville, SAVIELLO of Wilton, Senator: GOOLEY of Franklin.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert Crowley, of South Portland, who was named the Sole Survivor on the 17th-season finale of the pioneering reality show "Survivor," on CBS television. Mr. Crowley, 57, a physics teacher at Gorham High School, is the oldest winner in the history of the game. After 39 days in the coastal African nation of Gabon, Mr. Crowley outlasted his 17 opponents in this rugged competition and earned the prize of \$1,000,000. Mr. Crowley holds an associate and a bachelor's degree in forestry from the University of Maine and a master's degree in Education from the University of Southern Maine. In addition to being a physics teacher, he has been a first mate on a research boat for the Smithsonian Institution and an entomologist for the United States Department of Agriculture, as well as president, vice-president and chief negotiator for his local teacher's union. We commend him for his adventurous and resourceful experience on the popular television show, and we congratulate him on his extraordinary success and send him our best wishes for his future endeavors;

(HLS 52)

Presented by Representative MORRISON of South Portland.

Cosponsored by Senator BLISS of Cumberland, Representative EBERLE of South Portland, Representative KAENRATH of South Portland, Senator RAYE of Washington, Representative SANBORN of Gorham, Representative KNAPP of Gorham, Senator BARTLETT of Cumberland.

On **OBJECTION** of Representative MORRISON of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morrison.

Representative **MORRISON**: Thank you Madam Speaker, and good morning honorable members of the House. It seems we have a celebrity in our Gallery. Mr. Robert Crowley of South Portland was named "Sole Survivor" in last season's CBS television show Survivor Gabon. I am his proud Representative and we too, should all be proud. He represented Maine and played the game with honor, grace, integrity and dignity.

Mr. Crowley teaches physics at Gorham High School and is an incredibly bright man. Not only is he bright, but I discovered he is very funny as well. Recently, the City of South Portland declared, in his honor, Bob Crowley Day and in turn invited folks in the area to the Community Center for a meet and greet, which

I happened to attend. He had the packed room laughing and fascinated when describing all his adventures from the application process, beating 17 other players, to actually winning the game.

During these tough economic times we hear a lot of doom and gloom. It's nice to take some time and celebrate the good things. Please join the South Portland and Gorham Delegation in congratulating Mr. Crowley in his accomplishments and wishing him and his family all the best in the future. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Madam Speaker. I too, rise to congratulate South Portland resident Bob Crowley, but I also wonder being a mom myself, when Bob's mom Anne, who is with us today, might first have recognized his unique gifts. Was it, perhaps, when he started his first bonfire at the age of three using his Tinkertoys and Lincoln Logs—they were made out of wood back then—or do you think it might have been when we he put a bug in his mouth for the first time and liked it?

Anyway, here we are today, and I have to wonder now about Peggy, his wife, when she first considered marrying Bob. Did she ever expect she would see him shirtless with a bowtie and loincloth on national TV? And his daughter; I can just hear my daughter, if it were her dad, Dad, no.

I don't want to in any way diminish the accomplishments of Bob and his fellow islanders. They did, after all, achieve a significant consolidation going from 18 to 3 GSUs—that is Gabon Survivor Unit. But I would also point out that, in spite of all of those accomplishments, they were not charged with and did not try to balance a state budget, nor did they have to deal with the dreaded nuisance Maine beaver. In any case, it is wonderful to have Bob and his family here, and I would like to invite Bob back in June. We may have a few members of each party who are ready to vote someone off the island. Thank you, Madam Speaker, and Bob and Peggy, go have some fun.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Knapp.

Representative **KNAPP**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was very fortunate to have Bob Crowley as a teacher in Gorham; I was on the school committee at that time. He taught physics to both of my daughters. As a parent going into the classroom, I encourage any of you this spring to go in and visit him. His collection is very unique. He has many specimens in his classroom. The students can learn by asking questions and Bob has a wealth of knowledge to answer those questions.

Also, one year I taught physics, and the physics teachers got together each month and he was a good teacher of teachers also. So my best wishes and the wishes from the citizens of Gorham to Bob and his family. Thank you.

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

Recognizing:

Sergeant First Class John D. Maynard, II, on his receiving the Bronze Star Medal from the United States Army for his service in Afghanistan. Sgt. Maynard has been mentoring two battalions of Afghan Border Police, which is approximately 800 soldiers. Along with a team of 12 other American soldiers, he covered a section of border that is about 400 miles of dangerous terrain in Afghanistan near the Pakistan border. He also assisted in the operation of the base as the sergeant in charge of Food Operations, Range Operations and Marksmanship Training, as well as holding the position of Weapons Technician and Motor

Sergeant. In his long and distinguished career in the Army, Sergeant Maynard has received numerous service medals and ribbons. We extend our congratulations to Sergeant Maynard on his receiving this honor and we send our profound thanks to him for his heroic and dedicated service to his country;

(HLS 53)

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Senator GOOLEY of Franklin.

On **OBJECTION** of Representative SAVIELLO of Wilton, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Madam Speaker, Ladies and Gentlemen of the House. It is my pleasure today to rise and talk about this. I met Johnny on the internet this summer after I sent him a flag, and he got me a number of times during the fall. This is my turn to get him.

Maine is unique in having a large population of veterans and a proud heritage of our young men and women answering to the call of duty. In 2000, Maine was the largest percent of veteran population per capita in the nation at 16.1 percent, and we are still up there during the top. Today, we have the opportunity to honor one of those veterans and an active service member: Sergeant First Class John D. Maynard, II, of Freeman. John is the Maine hero. He is cut from the granite that underlies the state, he stands as tall as Katahdin, and he is made from the mold of Joshua Chamberlain. John has served in Kosovo, Bosnia, Afghanistan, and Iraq. He has been nominated for three Bronze Stars and numerous recognitions and medals.

His first Bronze Star nomination was leading his troops in Desert Storm for 45 days of combat. The soldiers under his command carried out their mission with no casualties. Later in that war, he was nominated for a second Bronze Star for taking an enemy headquarters, again, with no casualties. In both cases, he did not receive the Bronze Star for political reasons. Finally, he was nominated for the third Bronze Star for his work in Afghanistan, and has been well described in the Sentiment, because he did in fact receive that. He received that award for the real Maine spirit. Like Joshua Chamberlain, he has led a small group of troops, leading an untrained force to defend a critical border in the war on terrorism. He served truly as a chief cook and bottle washer, as well as a leader to complete this critical mission.

Before I close, I would be remiss not recognizing his mom and dad, Donette and John Maynard. I want to thank them for their son and their support of him in his time of service.

Ladies and Gentlemen, today as you walk the halls and see Johnny and his family, please take time to thank him, this Maine hero, for protecting us, our state, and our country. Thank you, Madam Speaker, Men and Women of the House.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative MARTIN for the **Joint Select Committee on Maine's Energy Future** on Resolve, Relating to Federal Stimulus Funds for Energy Programs (EMERGENCY)

(H.P. 394) (L.D. 556)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 63.

Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

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

**Refer to the Committee on Judiciary
Pursuant to Statutes**

Report of the **Joint Standing Committee on Judiciary** on Bill "An Act To Address an Inequity in the Judicial Retirement System"

(S.P. 184) (L.D. 488)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 4, section 1701, subsection 13.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

**CONSENT CALENDAR
First Day**

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

(H.P. 67) (L.D. 77) 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) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 71) (L.D. 81) 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) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 12, 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 Sustain Nursing Education in Lincoln County"

(S.P. 173) (L.D. 470)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

TABLED - February 12, 2009 (Till Later Today) by Representative CAIN of Orono.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, on motion of Representative CAIN of Orono, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program"

(S.P. 149) (L.D. 405)

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

TABLED - February 12, 2009 (Till Later Today) by Representative CAIN of Orono.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Fund State Drug Prosecutors"

(S.P. 180) (L.D. 477)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

TABLED - February 12, 2009 (Till Later Today) by Representative CAIN of Orono.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces"

(S.P. 153) (L.D. 409)

- In Senate, **REFERRED** to the Committee on **LABOR**.

TABLED - February 12, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, on motion of Representative TUTTLE of Sanford, the Bill was **REFERRED** to the Committee on **LABOR** in concurrence.

Bill "An Act To Provide Funding to the ElderCare Network"

(H.P. 304) (L.D. 416)

- In House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on February 10, 2009.

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

TABLED - February 12, 2009 (Till Later Today) by Representative CAIN of Orono.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

Bill "An Act To Require State Employees To Pay 15% of Their Health Insurance Costs"

(H.P. 305) (L.D. 417)

- In House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on February 10, 2009.

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

TABLED - February 12, 2009 (Till Later Today) by Representative CAIN of Orono.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle who wishes to address the House on the record.

Representative **TUTTLE**: Thank you, Madam Speaker. Just a friendly reminder that the Bishops legislative gathering is tonight. It is hosted by the Most Reverend Richard J. Malone, Roman Catholic Bishop of Portland, the Diocese and Public Policy Committee, and the Catholic Charity for Maine. It begins at 5 o'clock. All are welcome at the St. Paul Center, which is at 136 State Street in Augusta. Thank you, Madam Speaker.

SENATE PAPERS

Bill "An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions"

(S.P. 213) (L.D. 598)

Bill "An Act To Recruit Businesses from Other States"

(S.P. 228) (L.D. 613)

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.

Bill "An Act To Require That the Proceeds from Property Seized through Drug Crime Forfeitures Go to the General Fund"

(S.P. 216) (L.D. 601)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Add 10 Days to the School Year and To Require Daily Physical Exercise for All School Children"

(S.P. 225) (L.D. 610)

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.

Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"

(S.P. 214) (L.D. 599)

Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids

(S.P. 215) (L.D. 600)

Bill "An Act To Amend the Laws Governing Involuntary Hospitalization Procedures When Both Commitment and Involuntary Treatment Are Sought"

(S.P. 224) (L.D. 609)

Bill "An Act To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts"

(S.P. 226) (L.D. 611)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Enable the Maine Employers' Mutual Insurance Company To Better Serve the Needs of All Employers"
(S.P. 221) (L.D. 606)

Bill "An Act To Strengthen the Board of the Maine Insurance Guaranty Association"

(S.P. 231) (L.D. 616)

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Improve Child Support Collection Procedures by Changing the Process of Modifying a Support Order"

(S.P. 229) (L.D. 614)

Bill "An Act To Strengthen Landowner Rights in Certain Eminent Domain Situations" (EMERGENCY)

(S.P. 230) (L.D. 615)

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

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

Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners"

(S.P. 232) (L.D. 617)

Bill "An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association"

(S.P. 236) (L.D. 620)

Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

(S.P. 235) (L.D. 621)

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

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

Bill "An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures"

(S.P. 222) (L.D. 607)

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General

(S.P. 219) (L.D. 604)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State

(S.P. 220) (L.D. 605)

Bill "An Act To Rename Certain Unorganized Townships in Washington County"

(S.P. 234) (L.D. 619)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Reduce Income Tax on Capital Gains"

(S.P. 233) (L.D. 618)

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

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

Bill "An Act To Permit Wrecker Services To Charge for Storage while a Vehicle Is under an Order of Impoundment"

(S.P. 217) (L.D. 602)

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

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

Bill "An Act To Protect Electricity Consumers in Northern Maine"

(S.P. 223) (L.D. 608)

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.

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

On motion of Representative MORRISON of South Portland, the House adjourned at 11:21 a.m., until 10:00 a.m., Thursday, February 19, 2009.