

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
20th Legislative Day
Tuesday, March 17, 2009

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

Prayer by Reverend Herbert Henry, Congregational Church of Wells.

National Anthem by Bangor High Chamber Choir.

Pledge of Allegiance.

Doctor of the day, Lisa Nielsen, M.D., Patten.

At this point, a message came from the Senate borne by Senator MARRACHÉ of Kennebec of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative BERRY of Bowdoinham to convey this message to the Senate.

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

Subsequently, Representative BERRY of Bowdoinham reported that he had delivered the message with which he was charged.

SENATE PAPERS

Bill "An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units"

(S.P. 333) (L.D. 885)

Committee on **TAXATION** 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.

Bill "An Act To Rate Energy Efficiency and Carbon Emissions of Buildings"

(S.P. 357) (L.D. 935)

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

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.

Non-Concurrent Matter

Bill "An Act To Encourage Green Commerce"

(H.P. 586) (L.D. 848)

REFERRED to the Committee on **UTILITIES AND ENERGY** in the House on March 10, 2009.

Came from the Senate **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 97)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 2, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 20-A, §11053, I am pleased to reappoint Representative Emily Ann Cain of Orono to the New England Board of Higher Education.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 98)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 2, 2009

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5 §19202, I am pleased to reappoint Representative Michael E. Carey of Lewiston to the Maine HIV Advisory Committee.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 99)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT

March 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 13 An Act To Expand the Diagnostic Functions of Independent Practice Dental Hygienists
- L.D. 215 An Act Regarding the Practice of Professional Engineering without a License
- L.D. 281 An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants (EMERGENCY)
- L.D. 346 An Act To Improve Elevator Safety
- L.D. 419 Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training

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

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 100)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 202 Resolve, Directing the Department of Corrections To Accept Bank Checks for Inmates
- L.D. 433 An Act To Reinstate Rules Requiring Inspection of Chimneys upon the Sale or Transfer of Property
- L.D. 442 An Act To Require Prisoners To Perform Community Service and To Require Jails, Prisons, Nonprofit Entities, Universities and Counties To Compost Food Waste

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

Sincerely,
S/Sen. Stanley J. Gerzofsky
Senate Chair
S/Rep. Anne M. Haskell
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 101)

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

March 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 96 An Act To Authorize the Implementation of Modified School Year Calendars
- L.D. 128 An Act To Require the Teaching of Agricultural Studies in Maine's Schools

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

Sincerely,
S/Sen. Justin L. Alford
Senate Chair
S/Rep. Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 102)

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

March 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 bills out "Ought Not to Pass":

- L.D. 97 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
- L.D. 521 An Act To Ensure Continued Support for Local Adult Education Programs

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

Sincerely,
S/Sen. Justin L. Alford
Senate Chair
S/Rep. Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 103)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 429 An Act To Increase Retail Sales of Wine
L.D. 514 An Act To Clarify Criminal Responsibility in the Sale of Alcohol and Tobacco to Minors

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

Sincerely,
S/Sen. Nancy B. Sullivan

Senate Chair
S/Rep. Pamela Jabar Trinward
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 104)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 294 An Act To Require the Department of Marine Resources To Enforce Conditions in an Aquaculture Lease

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

Sincerely,
S/Sen. Dennis S. Damon

Senate Chair
S/Rep. Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 105)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 535 An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters

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

Sincerely,
S/Sen. Seth A. Goodall
Senate Chair
S/Rep. Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 106)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON TAXATION**

March 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. 332 An Act To Amend the Penalty for Withdrawal of Land from the Maine Tree Growth Tax Law Program

L.D. 380 An Act To Require Residents of the Unorganized Territories To Pay Excise Taxes To Agents and Not Directly to the Secretary of State

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.

The Following Communication: (H.C. 107)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 418 An Act To Facilitate the Development of Ocean Wind Power

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

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Jon Hinck

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 108)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 4, 2009
Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
P. O. Box 368
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 124th Maine Legislature on Tuesday, March 17, 2009 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 109)

**STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112**

March 9, 2009
The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333-0003
The Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Mitchell and Speaker Pingree:

I am pleased to accept your invitation to address a Joint Session of the 124th Maine Legislature on Tuesday, March 17, 2009, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on March 17, 2009.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 372)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 10, 2009
Sen. Troy Dale Jackson
Senate Chair, Joint Standing Committee on Labor
Rep. John L. Tuttle, Jr.
House Chair, Joint Standing Committee on Labor
124th Legislature
Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:
Please be advised that Governor John E. Baldacci has withdrawn his nomination of Susan D. Giguere

for appointment to the Maine Workers' Compensation Board, pursuant to Title 3 M.R.S.A. §154.

This nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

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

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

The Following Communication: (S.C. 111)

**MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 12, 2009

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Adam R. Cote of Portland for appointment to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Michael K. Mahoney of Cape Elizabeth for appointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Susan B. Snowden of Scarborough for reappointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Cathy C. McKelway of Oakland for reappointment to the Maine Rural Development Authority.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

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

Bill "An Act To Create Regulatory Exemptions for Poultry"
(H.P. 709) (L.D. 1034)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator DAMON of Hancock and Representatives: CLEARY of Houlton, CRAY of Palmyra, FLEMINGS of Bar Harbor, GIFFORD of Lincoln, O'BRIEN of Lincolnville, PERCY of Phippsburg, PRATT of Eddington, Senator: ALFOND of Cumberland.

Bill "An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan" (EMERGENCY)

(H.P. 722) (L.D. 1047)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, JOHNSON of Greenville, PERCY of Phippsburg, SAVIELLO of Wilton, THERIAULT of Madawaska, Senator: SHERMAN of Aroostook.

Bill "An Act To Ensure Humane Dog and Cat Breeding in the State"

(H.P. 728) (L.D. 1053)

Sponsored by Representative STEVENS of Bangor.

Cosponsored by Representatives: BLODGETT of Augusta, BOLDUC of Auburn, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, FLAHERTY of Scarborough, KAENRATH of South Portland, MORRISON of South Portland.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Increase the Amount of the Deposit on Returnable Beverage Containers"

(H.P. 723) (L.D. 1048)

Sponsored by Representative SIROIS of Turner.

Cosponsored by Senator NUTTING of Androscoggin and Representative: WAGNER of Lewiston.

Bill "An Act To Promote Economic Development in the Greater Portland Region"

(H.P. 729) (L.D. 1054)

Sponsored by Representative EBERLE of South Portland.

Cosponsored by Senator DAVIS of Cumberland and Representatives: COHEN of Portland, DILL of Cape Elizabeth, FLAHERTY of Scarborough, MORRISON of South Portland, NELSON of Falmouth, PEOPLES of Westbrook, Senators: BARTLETT of Cumberland, BLISS of Cumberland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Discourage Theft from and Destruction of Vending Machines"

(H.P. 710) (L.D. 1035)

Sponsored by Representative THIBODEAU of Winterport.

Cosponsored by Representatives: AYOTTE of Caswell, CRAY of Palmyra, GIFFORD of Lincoln, HANLEY of Gardiner, JOY of Crystal, McFADDEN of Dennysville, SAVIELLO of Wilton, THOMAS of Ripley.

Bill "An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings"

(H.P. 733) (L.D. 1066)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator BLISS of Cumberland and Representatives: HILL of York, KAENRATH of South Portland, LEWIN of Eliot, MILLER of Somerville, Speaker PINGREE of North Haven, WEBSTER of Freeport, WHEELER of Kittery, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, GERZOFKY of Cumberland, MARRACHÉ of Kennebec, SIMPSON of Androscoggin, TRAHAN of Lincoln.

Resolve, To Establish a Blue Ribbon Commission To Study Methods of Protecting Emergency Medical Services Personnel during the Transportation of Persons with Mental Illness (EMERGENCY)

(H.P. 734) (L.D. 1067)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises"

(H.P. 743) (L.D. 1076)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAREY of Lewiston, CLEARY of Houlton, GOODE of Bangor, LEWIN of Eliot, MARTIN of Orono, PERCY of Phippsburg, STUCKEY of Portland, Senator: MILLS of Somerset.

EDUCATION AND CULTURAL AFFAIRS

Resolve, Directing the Department of Education To Include the Study of Family and Consumer Science in the System of Learning Results

(H.P. 702) (L.D. 1027)

Sponsored by Representative NASS of Acton.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BEAULIEU of Auburn, CONNOR of Kennebec, LANGLEY of Ellsworth, McKANE of Newcastle, MILLER of Somerville, PRIEST of Brunswick, TRINWARD of Waterville, Senator: BOWMAN of York.

Bill "An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Appeal of a School Board's Decision To Discharge a Superintendent, the Telecommunications Education Access Fund and Certain Definitions and Programs"

(H.P. 711) (L.D. 1036)

Sponsored by Representative SUTHERLAND of Chapman.

Cosponsored by Senator ALFOND of Cumberland.

Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Require the Department of Education To Provide Certain Information to Individual Communities of Alternative Organizational Structures"

(H.P. 712) (L.D. 1037)

Sponsored by Representative JOHNSON of Greenville.

Bill "An Act To Encourage Cooperation among School Administrative Units" (EMERGENCY)

(H.P. 724) (L.D. 1049)

Sponsored by Representative SUTHERLAND of Chapman.

Cosponsored by Representatives: DILL of Cape Elizabeth, DUCHESNE of Hudson, JOHNSON of Greenville, O'BRIEN of Lincolnville, PERCY of Phippsburg, PIEH of Bremen, TRINWARD of Waterville, Senator: WESTON of Waldo.

Bill "An Act To Extend the Summer Tourism Season and Thereby Increase Sales Tax Revenues by Requiring that the School Year in Maine Begin After Labor Day"

(H.P. 735) (L.D. 1068)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Representatives: BEAULIEU of Auburn, CAIN of Orono, PINKHAM of Lexington Township, TUTTLE of Sanford.

Resolve, To Establish the Commission To Establish The Maine Academy of Living Treasures

(H.P. 744) (L.D. 1077)

Sponsored by Representative MAGNAN of Stockton Springs.

Cosponsored by Senator ALFOND of Cumberland and Representatives: BEAUDOIN of Biddeford, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BURNS of Whiting, CORNELL du HOUX of Brunswick, CROCKETT of Augusta, CURTIS of Madison, JONES of Mount Vernon, KNIGHT of Livermore Falls, LAJOIE of Lewiston, MARTIN of Orono, McCABE of Skowhegan, MITCHELL of the Penobscot Nation, MORRISON of South Portland, O'BRIEN of Lincolnville, RUSSELL of Portland, SANBORN of Gorham, SOCTOMAH of the Passamaquoddy Tribe, TILTON of Harrington, WRIGHT of

Berwick, Senators: GERZOFKY of Cumberland, ROSEN of Hancock, WESTON of Waldo.

HEALTH AND HUMAN SERVICES

Bill "An Act Regarding the Prevention and Reporting of Methicillin-resistant Staphylococcus Aureus"

(H.P. 713) (L.D. 1038)

Sponsored by Representative GOODE of Bangor.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BERRY of Bowdoinham, MARTIN of Orono, PETERSON of Rumford, RICHARDSON of Warren, ROSEN of Bucksport, SANBORN of Gorham, STUCKEY of Portland, Senator: PERRY of Penobscot.

Bill "An Act To Establish a Waiting Period for MaineCare Participants"

(H.P. 725) (L.D. 1050)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator MILLS of Somerset and Representatives: CURTIS of Madison, FLOOD of Winthrop, LEWIN of Eliot, MILLETT of Waterford, NUTTING of Oakland, TARDY of Newport, Senators: COURTNEY of York, RAYE of Washington.

Bill "An Act To Alter MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005"

(H.P. 730) (L.D. 1055)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator MILLS of Somerset and Representatives: CURTIS of Madison, LEWIN of Eliot, MILLETT of Waterford, NUTTING of Oakland, RICHARDSON of Carmel, TARDY of Newport, Senators: COURTNEY of York, ROSEN of Hancock.

Bill "An Act To Require Hospitals To Make Publicly Available the Cost of Medical Procedures"

(H.P. 732) (L.D. 1057)

Sponsored by Representative STEVENS of Bangor.

Cosponsored by Senator PERRY of Penobscot and Representatives: BLODGETT of Augusta, BOLDUC of Auburn, CORNELL du HOUX of Brunswick, CRAFTS of Lisbon, FLAHERTY of Scarborough, KAENRATH of South Portland, MAGNAN of Stockton Springs, MORRISON of South Portland.

Resolve, To Encourage Access to Higher Education for Certain Child Care Providers

(H.P. 736) (L.D. 1069)

Sponsored by Representative O'BRIEN of Lincolnville.

Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, BUTTERFIELD of Bangor, MAGNAN of Stockton Springs, PEOPLES of Westbrook, PERRY of Calais, RANKIN of Hiram, STUCKEY of Portland, WAGNER of Lewiston.

Resolve, Directing the University of Maine at Orono To Conduct a Pilot Project Regarding the Benefits of Medical Marijuana

(H.P. 737) (L.D. 1070)

Sponsored by Representative PERCY of Phippsburg.

Cosponsored by Senator DAMON of Hancock and Representatives: FLEMINGS of Bar Harbor, McCABE of Skowhegan, SMITH of Monmouth, WATSON of Bath, Senator: PERRY of Penobscot.

Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"

(H.P. 738) (L.D. 1071)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator HOBBS of York and Representatives: AUSTIN of Gray, BUTTERFIELD of Bangor, MILLER of Somerville, MORRISON of South Portland, PENDLETON of Scarborough, RANKIN of Hiram, SAVIELLO of Wilton, TRINWARD of Waterville.

Bill "An Act To Provide Support for Children with Special Needs in Adoptive Families"

(H.P. 739) (L.D. 1072)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator DAMON of Hancock and Representatives: MAGNAN of Stockton Springs, MORRISON of South Portland, PENDLETON of Scarborough, SAVIELLO of Wilton, SCHATZ of Blue Hill, STRANG BURGESS of Cumberland, TRINWARD of Waterville.

Bill "An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens"

(H.P. 745) (L.D. 1078)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator MILLS of Somerset and Representatives: BERRY of Bowdoinham, CONNOR of Kennebunk, LEWIN of Eliot, PERRY of Calais, ROTUNDO of Lewiston, SANBORN of Gorham, STRANG BURGESS of Cumberland, Senator: RAYE of Washington.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Protect Moose Populations and Hunting Opportunities"

(H.P. 706) (L.D. 1031)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representatives: BRIGGS of Mexico, CRAFTS of Lisbon, DAVIS of Sangerville, SARTY of Denmark, SHAW of Standish, WHEELER of Kittery, Senator: TRAHAN of Lincoln.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Relating to Health Benefit Plan Coverage of Chemotherapy"

(H.P. 715) (L.D. 1040)

Sponsored by Representative ROSEN of Bucksport.

Cosponsored by Senator ROSEN of Hancock and Representatives: BEAUDOIN of Biddeford, BROWNE of Vassalboro, CAMPBELL of Newfield, CHASE of Wells, HOGAN of Old Orchard Beach, STRANG BURGESS of Cumberland, VALENTINO of Saco, Senator: SHERMAN of Aroostook.

Bill "An Act To Provide for Insurance Coverage of Telemedicine Services"

(H.P. 740) (L.D. 1073)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: Speaker PINGREE of North Haven, SANBORN of Gorham, STRANG BURGESS of Cumberland, TREAT of Hallowell.

JUDICIARY

Bill "An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions"

(H.P. 714) (L.D. 1039)

Sponsored by Representative BRYANT of Windham.

Cosponsored by Senator BRYANT of Oxford and Representatives: CRAY of Palmyra, O'BRIEN of Lincolnville, PETERSON of Rumford, PRATT of Eddington, SMITH of Monmouth, WATSON of Bath, Senators: NUTTING of Androscoggin, SHERMAN of Aroostook.

Bill "An Act To Prohibit a Parent without Parental Rights from Inheriting from an Adult Child Who Dies without a Will"

(H.P. 746) (L.D. 1079)

Sponsored by Representative CLARK of Millinocket.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Alter the Mechanism by which a Political Party is a Qualified Party"

(H.P. 716) (L.D. 1041)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Representatives: BERRY of Bowdoinham, Speaker PINGREE of North Haven, RUSSELL of Portland, Senator: BARTLETT of Cumberland.

Bill "An Act To Promote Responsible Sales of Alcoholic Beverages"

(H.P. 741) (L.D. 1074)

Sponsored by Representative PERRY of Calais.

Cosponsored by Representatives: BEAUDOIN of Biddeford, CROCKETT of Augusta, SANBORN of Gorham.

Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues (EMERGENCY)

(H.P. 747) (L.D. 1080)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance"

(H.P. 748) (L.D. 1081)

Sponsored by Representative TARDY of Newport.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: BEAULIEU of Auburn, CLARK of Millinocket, DAVIS of Sangerville, FITTS of Pittsfield, HANLEY of Gardiner, McLEOD of Lee, NASS of Acton, SHAW of Standish.

NATURAL RESOURCES

Bill "An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded"

(H.P. 707) (L.D. 1032)

Sponsored by Representative HINCK of Portland.

Cosponsored by Senator DAMON of Hancock and Representatives: EBERLE of South Portland, GOODE of Bangor, WELSH of Rockport.

Bill "An Act To Continue To Reduce Mercury Use and Emissions"

(H.P. 717) (L.D. 1042)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Representatives: BRYANT of Windham, DUCHESNE of Hudson, EBERLE of South Portland, PERRY of Calais, VAN WIE of New Gloucester, WELSH of Rockport, Senators: BARTLETT of Cumberland, GOODALL of Sagadahoc.

Bill "An Act To Encourage Tire Recycling"

(H.P. 726) (L.D. 1051)

Sponsored by Representative SIROIS of Turner.

Cosponsored by Representatives: HOGAN of Old Orchard Beach, HUNT of Buxton, WAGNER of Lewiston.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Enhance Municipal Home Rule Statutes"

(H.P. 703) (L.D. 1028)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator JACKSON of Aroostook and Representatives: ADAMS of Portland, BEAUDOIN of Biddeford, BRYANT of Windham, CAMPBELL of Newfield, CONNOR of

Kennebunk, LEGG of Kennebunk, WRIGHT of Berwick, Senator: CRAVEN of Androscoggin.

Bill "An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies" (EMERGENCY)

(H.P. 704) (L.D. 1029)

Sponsored by Representative CASAVANT of Biddeford.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, LAJOIE of Lewiston, LOVEJOY of Portland, PEOPLES of Westbrook, STUCKEY of Portland, TUTTLE of Sanford, WAGNER of Lewiston.

TAXATION

Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators"

(H.P. 708) (L.D. 1033)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator NASS of York and Representative: PILON of Saco.

Bill "An Act Regarding the Purchase of Fuel for Off-road Use"

(H.P. 720) (L.D. 1045)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: EDGEComb of Caribou, GIFFORD of Lincoln, PERCY of Phippsburg, PIEH of Bremen, PIOTTI of Unity, PRATT of Eddington, Senators: DAMON of Hancock, NUTTING of Androscoggin.

Bill "An Act To Exempt Cleaning Products for Milking Machines from the Sales Tax"

(H.P. 721) (L.D. 1046)

Sponsored by Representative CURTIS of Madison.

Cosponsored by Senator MILLS of Somerset and Representatives: FITTS of Pittsfield, MILLETT of Waterford, NUTTING of Oakland.

Bill "An Act To Create an Income Tax Credit for Certain Renewable Energy Systems"

(H.P. 749) (L.D. 1082)

Sponsored by Representative WAGNER of Lyman.

Bill "An Act To Modernize the Tax Laws and Provide over \$75,000,000 to Residents of the State in Tax Relief"

(H.P. 750) (L.D. 1088)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator PERRY of Penobscot and Representatives: BERRY of Bowdoinham, CHASE of Wells, FLEMINGS of Bar Harbor, KNIGHT of Livermore Falls, PILON of Saco, Speaker PINGREE of North Haven, VALENTINO of Saco, WATSON of Bath, Senators: BARTLETT of Cumberland, BLISS of Cumberland, MARRACHÉ of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, SIMPSON of Androscoggin.

TRANSPORTATION

Resolve, To Establish a Blue Ribbon Commission To Study On-ramp Speed Limits

(H.P. 718) (L.D. 1043)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, DRISCOLL of Westbrook, HANLEY of Gardiner, HASKELL of Portland, HOGAN of Old Orchard Beach, SAVIELLO of Wilton, SIROIS of Turner, THERIAULT of Madawaska.

UTILITIES AND ENERGY

Bill "An Act Establishing a Wind and Solar Energy Loan Guarantee Program"

(H.P. 705) (L.D. 1030)

Sponsored by Representative BRYANT of Windham.
Cosponsored by Senator BRYANT of Oxford and Representatives: ADAMS of Portland, FITTS of Pittsfield, FLAHERTY of Scarborough, HINCK of Portland, PETERSON of Rumford, Senators: BARTLETT of Cumberland, GERZOFISKY of Cumberland, SIMPSON of Androscoggin.

Bill "An Act To Promote Cogeneration of Energy at Maine Sawmills"

(H.P. 719) (L.D. 1044)

Sponsored by Representative FLETCHER of Winslow.
Cosponsored by Senator SMITH of Piscataquis and Representatives: AYOTTE of Caswell, CLARK of Millinocket, CLEARY of Houlton, FITTS of Pittsfield, McLEOD of Lee, THOMAS of Ripley, Senators: SHERMAN of Aroostook, TRAHAN of Lincoln.

Bill "An Act To Allow the Use of Net Metering for Energy Production by Consumers"

(H.P. 727) (L.D. 1052)

Sponsored by Representative SIROIS of Turner.
Cosponsored by Representatives: FLEMINGS of Bar Harbor, HOGAN of Old Orchard Beach and Representatives: EATON of Sullivan, HUNT of Buxton, KNIGHT of Livermore Falls, WAGNER of Lewiston, Senator: NUTTING of Androscoggin.

Bill "An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service"

(H.P. 731) (L.D. 1056)

Sponsored by Representative FITTS of Pittsfield.
Bill "An Act To Promote Community-based Energy"

(H.P. 742) (L.D. 1075)

Sponsored by Representative MacDONALD of Boothbay.
Cosponsored by Representatives: BOLAND of Sanford, FITTS of Pittsfield, HINCK of Portland, MARTIN of Eagle Lake, Speaker PINGREE of North Haven, SHAW of Standish, VAN WIE of New Gloucester.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 18)

ORDERED, that Representative Emily Ann Cain of Orono be excused March 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul E. Gilbert of Jay be excused February 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christian D. Greeley of Levant be excused March 10 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward P. Legg of Kennebunk be excused March 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Everett W. McLeod, Sr. of Lee be excused March 3, 5 and 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused March 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Helen Rankin of Hiram be excused March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused March 3, 5 and 10 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Jay High School Girls' Basketball Team, which has won the 2008 State Class C Basketball Championship. We extend our congratulations and best wishes to all of the members of the team;

(HLS 90)

Presented by Representative GILBERT of Jay.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative GILBERT of Jay, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, fellow Members of the House. As the Representative of Jay, it gives me great pride to welcome our state champs, the Jay High School Girls' Basketball Team. Following a successful 2008-2009 basketball season, the Jay High School Lady Tigers, coached by Chris Bessey, competed in the Western Maine Class C Tournament in Augusta. They won, and then proceeded to Bangor to compete in the State Championship game. Our team came away with its 20th win and its first Gold Ball in hand. The residents of Jay are very proud of our 2009 State of Maine Class C Girls Basketball champions, the Jay High School Lady Tigers. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am not from Jay, Maine, but as a sports enthusiast and basketball fan, fortunately my paths crossed with this delightful team of young women. I had the distinct honor of photographing and attending each and every one of their championship games, both at the Augusta Civic Center and ultimately at the Bangor Auditorium. This team, the Jay Tigers, and their coaching staff deserve a huge pat on the back for a job well done. They showed this state what it truly means to be champions through their exemplary sportsmanship, dedicated teamwork, and incredible effort and desire to succeed. I feel I got to know these girls and want to personally thank them for showing their strength to this state that made them the champions that they are today. Congratulations Tigers, very well done.

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, want to congratulate the Lady Tigers of Jay, Maine. I am not from Jay, but I am from their neighboring town Livermore Falls. They are our big rivals, but they are also our cousins and our friends, and we are just very excited that this is the very first time in the history of Class C basketball they have won the title. I want to congratulate Chris Bessey, their coach, and all those gals for just a wonderful, wonderful year. Congratulations.

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

Recognizing:

Maine Primary Care Association, which has worked to strengthen and sustain Maine's Primary Care safety net for over 25 years. Maine Primary Care Association offers a number of opportunities for students and residents to experience medicine in an underrepresented primary care setting in Maine. It provides high quality primary care to underserved areas and populations of the State where health-care options are limited, and barriers to access would otherwise prevent the delivery of the right care at the right time in the right place. Maine Primary Care Association is extremely proud to represent the collective voices of our community health centers, as they represent health-care options available to all, regardless of insurance coverage or the ability to pay. It has increased the availability of services including dental care and mental health, in addition to raising the bar in the delivery of care offered to patients through the adoption of quality improvement initiatives and health information technology. Maine Primary Care Association has taken a leadership position advocating for the childhood immunization program to return to universal status. We take this occasion to recognize the Maine Primary Care Association, to commend the employees of this organization for the success they have achieved over 25 years, and to extend our sincere hopes and best wishes for continued achievement over the next 25 years;

(HLS 132)

Presented by Speaker PINGREE of North Haven.

Cosponsored by President MITCHELL of Kennebec, Representative CROCKETT of Augusta, Representative BROWNE of Vassalboro, Representative BLODGETT of Augusta.

On **OBJECTION** of Representative PERRY of Calais, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have had the privilege to work with the Primary Care Association, am also a board member of a federally qualified health center, and work for a rural health center. The work that they have done over these years are really the primary work that gets done in primary care that we are doing now as we move to medical homes. They have been doing this work for a long time and showing how this can be affected and the areas we should be going. They have done great work in the first 25 years, and I see many more years of some good, innovative collaboration that will get us in a better place. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The Maine Primary Care Association represents our fairly large network of community, Indian and island health centers, and it is a phenomenal part of our safety net, which becomes an even more important issue as the downturn becomes even downer in our state. But another thing that we don't often understand about our rural health centers is that they have a very strong community health orientation, they are medical practices, and they sometimes function almost like mini health departments. They do dental access projects; they do cancer screening, fluoride rinse programs for kids; they send doctors into schools to be the school physicians or the school nurses; they do domestic violence screening; and they even have been working on emergency preparedness in their communities. They are ever so much more than just a doctor's office, and we celebrate that

today for their 25 years and wish them another healthy and active 25 more. Thank you.

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

REPORTS OF COMMITTEE
Refer to the Committee on Taxation
Pursuant to Public Law

Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation"

(S.P. 371) (L.D. 993)

Reporting that it be **REFERRED** to the Committee on **TAXATION** pursuant to Public Law 2007, chapter 649, section 11, subsection 6.

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

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

CONSENT CALENDAR
First Day

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

(S.P. 39) (L.D. 90) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-4)**

(H.P. 76) (L.D. 92) Bill "An Act Pertaining to the Quality Child Care Education Scholarship Fund" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 358) (L.D. 513) Bill "An Act To Update the Casco Bay Island Transit District Enabling Law" Committee on **TRANSPORTATION** 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.

CONSENT CALENDAR
Second Day

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

(H.P. 104) (L.D. 122) Bill "An Act To Correct the Law Concerning Private Investigators' License Qualifications"

(H.P. 135) (L.D. 156) Bill "An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession"

(H.P. 340) (L.D. 452) Bill "An Act To Include the Town of Falmouth as a Member of the Greater Portland Transit District" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Occupancy Limits for Campsites in the Unorganized Territories

(H.P. 113) (L.D. 134)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Alewife Fishing Laws

(H.P. 130) (L.D. 151)

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

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

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

SENATE PAPERS

The following Joint Order: (S.P. 400)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, March 25, 2009. The House will convene at 9:00 and the Senate at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation"

(S.P. 385) (L.D. 1021)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 378) (L.D. 1014)

Bill "An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property"

(S.P. 387) (L.D. 1023)

Bill "An Act To Protect Artists and Art Galleries"

(S.P. 396) (L.D. 1062)

Bill "An Act Concerning Dispute Resolution in Home Construction Contracts"

(S.P. 403) (L.D. 1085)

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.

Resolve, Establishing the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities (EMERGENCY)

(S.P. 379) (L.D. 1015)

Resolve, To Establish the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System (EMERGENCY)

(S.P. 388) (L.D. 1024)

Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes

(S.P. 392) (L.D. 1058)

Resolve, Directing the Department of Health and Human Services To Implement an Oral Health Capitated Care System for Children Covered by MaineCare and the Children's Health Insurance Program

(S.P. 404) (L.D. 1086)

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 End Discrimination in Civil Marriage and Affirm Religious Freedom"

(S.P. 384) (L.D. 1020)

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

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

Resolve, To Enhance Health Care for Direct Care Workers

(S.P. 393) (L.D. 1059)

Bill "An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance"

(S.P. 397) (L.D. 1063)

Bill "An Act Regarding the Payment of Medicare Parts B and D Premiums for Employees Eligible for Medicare"

(S.P. 401) (L.D. 1083)

Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans

(S.P. 402) (L.D. 1084)

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 Allow Choice of Wine by Maine Consumers"

(S.P. 389) (L.D. 1025)

Bill "An Act To Change the Campaign Finance Laws Pertaining to Campaign Contributions To Allow for Increases Indexed to Inflation"

(S.P. 399) (L.D. 1065)

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.

Bill "An Act To Strengthen the Informed Growth Act"
(S.P. 383) (L.D. 1019)

Bill "An Act To Amend the Laws Governing the Legislative Youth Advisory Council"

(S.P. 386) (L.D. 1022)

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 Improve Maine's Renewable Portfolio Standard"

(S.P. 395) (L.D. 1061)

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.

Bill "An Act To Protect the Environment through Promoting the Use of Clean Fuel Vehicles"

(S.P. 377) (L.D. 1013)

Bill "An Act To Make the Maine Music Educators Association Tax Exempt"

(S.P. 382) (L.D. 1018)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations

(S.P. 394) (L.D. 1060)

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older

(S.P. 405) (L.D. 1087)

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Elizabeth H. Mitchell, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator BARTLETT from Cumberland, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Honorable John Elias Baldacci, Governor of the State of Maine, the Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was **READ** and **PASSED**.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. Bliss

The Sen. from York, Sen. Hobbins

The Sen. from Oxford, Sen. Hastings

The Rep. from Brunswick, Rep. Priest

The Rep. from Windham, Rep. Bryant

The Rep. from Houlton, Rep. Cleary

The Rep. from Cape Elizabeth, Rep. Dill

The Rep. from York, Rep. Hill

The Rep. from Thomaston, Rep. Kruger

The Rep. from Bangor, Rep. Stevens

The Rep. from Auburn, Rep. Beaulieu

The Rep. from Bethel, Rep. Crockett

The Rep. from Acton, Rep. Nass

The Rep. from Penobscot Nation, Rep. Mitchell

Subsequently, Senator BLISS from Cumberland, for the Committee reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, the Honorable John E. Baldacci, Governor of the State of Maine, and the Honorable members of the Judiciary will attend forthwith.

The Chair recognized the Justices of the Maine Supreme Judicial Court: Associate Justice Robert W. Clifford, Associate Justice Jon D. Levy, and Associate Justice Ellen A. Gorman. The Chair also recognized the Chief Justice of the Superior Court, the Honorable Thomas E. Humphrey; the Chief Judge of the District Court, the Honorable Ann M. Murray; and Deputy Chief Judge of the District Court, the Honorable Charles C. LaVerdiere.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by Governor John E. Baldacci.

The Chair recognized in the Gallery: William E. Saufley, Esq, husband of Chief Justice Saufley; Judge Kermit V. Lipez, US Court of Appeals for the First Circuit; Chief Judge Sarah E. Leclair, Houlton Band of Maliseet Indians; Stephen Brimley, Court Administrator, Houlton Band of Maliseet Indians; and Chief Judge Eric M. Mehnert, Penobscot Tribal Court.

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Thank you so much, President Mitchell. Top of the morning to all of you. Good morning, Governor Baldacci, Speaker Pingree, Members of the 124th Maine Legislature, Members of the Court, friends, and my always supportive family, it is an honor to present this report on the State of Maine's Judiciary.

I am pleased to be joined here today by representatives of

other courts. You have just heard about this. I am going to repeat it because I think it is important for us to all recognize there are multiple courts working in Maine. Judge Kermit Lipez of the U.S. First Circuit Court of Appeals; Probate Judge Donna Bailey; Penobscot Tribal Judge Eric Mehnert, Sarah Leclair, and Steven Brimley with the Houlton Band of Maliseets, are all here this morning at my invitation, simply so that you will understand there are multiple systems of justice in the State of Maine, and I am grateful for their presence here today.

Before I begin the actual report on the State of Maine's Judiciary, I want to recognize the historic significance of this occasion. This is the first time, in the history of the State of Maine, that any Chief Justice in Maine has been invited to address the Joint Convention of the State Legislature by a female Senate President, and a female Speaker of the House, at a time when we can look into the gallery to the Attorney General, who is also a woman. This historic occasion is an incredible honor for me to participate in, so I want to ask Senate President Libby Mitchell, Speaker of the House Hannah Pingree, and Attorney General Janet Mills to stand so that we can acknowledge them and celebrate this wonderful occasion. This is a great state.

On a decidedly lighter note, I am a bit concerned that no one in this room is aware that it is St. Patrick's Day. I don't think I have ever seen quite so much green in my entire life. Let me congratulate you and I want to make it clear, despite the tie and the wearing of the green, my ancestry is Scottish and English, and you may have gotten that from the fact that I am just a little bit cheap, but it helps in a job such as mine. I was told, however, by the Irish Trial Chiefs—Chief Justice Humphrey and Chief Judge Murray—that on St. Patrick's Day everyone is Irish. Then I looked around me. Deputy Chief Judge LaVerdiere is Irish; all three of the Trial Chiefs, Irish. So let me just introduce you to the remainder of my colleagues here today, in the spirit of the day: Justice Robert O'Clifford, who tells me no "O" is necessary; Justice Jon O'Levy, who is wearing green; and Justice Ellen O'Gorman. I just want to say to all of our Irish friends and to all of our non-Irish friends, here's a salute to St. Patrick, who, the Governor informs us, was actually Italian.

Now to the serious matters confronting us.

Recently, I was honored when the Governor nominated me to serve a second term as Chief Justice, and I am forever grateful for your confidence in confirming me. But I confess that I feel the responsibility of our work more acutely as we watch the good people of this State struggle with the most serious economic downturn we have experienced in decades. And I know, from spending just a little time in the halls of this building, that you, too, are feeling the extraordinary responsibility of government to the people who are hurting. Our friends and neighbors are losing their jobs, their homes, their businesses.

Last week, Judge John Romei called me from the Calais courthouse. He had just learned that the Woodland Mill in Baileyville would be closing. Judge Romei, like so many other judges in Maine, has spent years working with people in the Adult Drug Treatment Court, helping them to maintain sobriety, find jobs, and regain their families. As we talked, he asked me a simple question: what are they going to do? Across the State, those quiet conversations are being repeated. That question in government always evolves into another: what are we going to do to help?

Last Tuesday, Governor Baldacci gave us reasons to be hopeful about the future of Maine's economy. I am here today to tell you why, working together, with vigilance and creativity, we can be equally hopeful about the delivery of justice in the future, and why our vision of a justice system that is responsive to the

needs of Maine people is both critical and achievable, even though the next two years will be very difficult.

Justice is not simply an important part of government; it is critical to democracy. If justice fails, democracy fails. The very first words of the Constitution of the State of Maine recognize this fact: "We the people of Maine, in order to establish justice . . ."

This concept is foundational to all three branches of government. Each branch, Executive, Legislative, and Judicial must be strong, independent, and capable of carrying out its responsibilities in order for democracy to survive. Make no mistake: democracy is a fragile thing. Coretta Scott King reminded us: "Democracy is never a final achievement. It is a call to an untiring effort."

That untiring effort occurs every day in these halls. As legislators, you work to assure that Maine laws reflect your vision of justice. When you are done with your work, the Executive Branch must be ready to effectuate the laws, and the Judicial Branch must be able to enforce them.

The economic development you and the Governor are working so hard to generate will require prompt resolution of the zoning, regulatory, and contractual disputes that inevitably arise during the process. Your efforts to protect children, defeat domestic violence, and reduce crime require a court system with the resources to carry out your vision of justice. We must, therefore, work together to assure that the Maine courts are there when our citizens need them.

How then, in economically devastating times, do we assure the continued viability of justice in Maine? We must look ahead to better times, and we must have the roadmap toward prosperity in mind. We must be clear-eyed, however, about the current challenges. There are three principles that will guide us through these very challenging times:

- Priority cases involving children and families, violence or sexual assault, and victims of crimes will continue to be scheduled first.

- Second, we must make every effort to maintain our basic infrastructure, so that, as the economy recovers, and the sun rises on Maine again, we can rebuild a strong justice system quickly.

- Third, we must take this opportunity to think creatively about the delivery of justice. Innovations that improve efficiencies, and position the courts for effective streamlined delivery of justice in the future, will be crucial.

Keeping these principles in mind, I turn to the current state of Maine's Judiciary. I would describe it in one word: Precarious.

Much improvement has occurred in the last decade, and further improvements are in the works, but we are at a crossroads, and we must be vigilant if we are to emerge from the next two very challenging years with an intact system of justice.

Just a year ago, the State's system of justice was rebounding from years of under funding. Many efficiencies had already been undertaken: our centralized administration eliminated duplication of personnel and administrative costs; 22 of our 41 clerks' offices had been consolidated into 11 streamlined offices; library costs were substantially reduced through electronic research capacity and local publishing; out-of-state travel has been restricted, and in-state travel has been reduced; video conferencing capacity was expanded throughout the state to save time and travel costs.

Accompanying those efficiencies, and with your help, we had made progress in several areas. Security had been substantially improved, the equipment was in place and you had authorized, but not yet funded, new positions to screen guns from the courthouses. A new consolidated courthouse was authorized

to replace the outmoded and dangerous courts in Bangor. That environmentally responsible new courthouse will meet Maine Benchmark standards and will open on time and on budget. The Drug Treatment Courts had expanded into child protection cases, with an emphasis on reunifying families. The Business and Consumer Docket had been launched with very positive results.

Then the economy began its downward slide. Two problems combined to create the precarious circumstances now facing Maine citizens in need of justice. First, the State was unable to find new funds for the increased demand for constitutionally required services in criminal prosecution and child protection cases, and the money had to be taken from court operations. Second, across-the-board cuts further reduced the Judicial Branch budget. Last year, that combination resulted in the loss of approximately \$3 million from Judicial Branch operations and, given our previous efficiency efforts, left us with very few options.

The Judicial Branch does not have programs. We were, therefore, left with three stark options to manage that deficit: losing staff, closing courthouses, or violating the basic constitutional responsibility of the State in prosecutions.

Because, as jurists, we could not allow the Constitution to be violated, the end result had to be fewer courthouses or fewer staff.

Only the Legislature can close courthouses. We, therefore, reconvened the Courthouse Advisory Committee, with representatives from all three branches of government, to consider whether courthouses should be closed to save money. After multiple meetings, that Committee unanimously recommended that we should not further reduce the public's access to courthouses, especially in these very tough times.

The need for rural courthouses becomes clear when we consider the substantial recent increase in homicides in Maine. The Attorney General's Office estimates that more than 60% of those recent deaths were related to domestic violence. It is already difficult for many people to reach a courthouse to obtain protection from abuse. If we close our few rural courthouses, we may leave victims of violence with no options. Although the future may bring many better options for distance justice through technology, until those systems are in place, closing rural courthouses will rarely be a wise choice.

You can see where this leads. If constitutionally required payments for the representation of poor people charged with crimes cannot be reduced, and if we are committed to providing access to justice in rural Maine, the only area left to cut is the number of people who are providing justice.

And that is what we have done. In the last year, we eliminated 9.5 positions, and we have had to maintain more than 40 vacancies, including the equivalent of two judges, and many marshals and clerks. These reductions have had a serious effect on our citizens.

- Public court hours have been reduced in six courthouses (the District Courts in York, Springvale, Portland, Biddeford, Belfast, and Bridgton, and the Superior Courts for Cumberland, Waldo, and York Counties);

- Both staff time and judge time in the Business and Consumer Docket have been cut in half;

- People seeking compensation for injuries or those trying to clear up zoning, contract, or land disputes, are waiting longer and longer for their day in court;

- Homeowners with nonpaying tenants cannot get their cases reached and may face foreclosure;

- Small businesses cannot get prompt resolution of their small claims cases; and

- Most distressing, courthouse safety has suffered. Last year, we were on our way to providing entry screening on 25% of the court days in Maine. This year, we have been able to staff that security need on only 5% of our court days.

The budget proposed for the next biennium results in approximately the same staffing shortages. We recognize and appreciate the Governor's efforts to spare Maine people an even greater loss of justice. But this current situation is—precarious. Only 462 people, including all of our judges, clerks, and marshals, are left to run an entire statewide court system that receives approximately 280,000 new cases each year.

And behind every court case is a disrupted life, from families in turmoil, or neighbors disputing boundaries or land use, to people injured in car accidents; from the relatively benign distress of receiving a speeding ticket, to the violent victimization by a professed loved one; from small business owners struggling to obtain payment for their work, to victims of elder abuse or exploitation.

We hope that the shortage of people to provide justice is short-lived. But it is taking its toll already. Justice cannot be outsourced. People make the system work. Our staff is working harder every day under increasingly stressful conditions. We must look toward the day when we can re-staff the courts.

How then do we find a way to deliver justice when resources are so limited? We have been fortunate to have a great deal of collaboration with the Legislative and Executive Branches. Many of you have come to our courthouses and served on various committees to help us find creative solutions. The Judiciary Committee worked with us to review in detail the fiscal status of the courts and to make recommendations for improvements and innovation.

The public has also benefited from the generosity and assistance of Maine lawyers. Lawyers who work in Maine give of their time and their money for poor Mainers in need of assistance at unprecedented rates.

And despite the now-chronic staffing shortages, the men and women of the Maine courts have pulled together to keep the ship afloat. I cannot express fully my gratitude for the work that our judges, justices, and magistrates accomplish every day. And they could not accomplish what they do without the heart and soul of the system, the clerks, marshals, and administrators who keep the courts running.

It is because of the work of these fine people that we have continued to move forward in this last year, despite overwhelming demands.

- Through the efforts of Chief Justice Humphrey and Justice Nivison, we have been able to keep the Business and Consumer Docket alive;

- The consolidation of courthouses in Houlton and Bangor is almost complete. There will be two buildings where we once had to staff and secure four;

- Through the leadership of Justice Gorman, the creativity of talented trial judges, and the support of District Attorney Stephanie Anderson and the defense lawyers, we have launched the first of its kind Unified Criminal Docket to streamline the processing of criminal cases. Criminal charges are being addressed much more quickly, and we already have indications that the streamlined process will save substantial amounts of money;

- With the input and assistance of the Media and the Courts Committee, under the leadership of Justice Joe Jabar, we

expanded camera access to Maine courtrooms, providing the public a greater opportunity to observe justice at work;

- To assure that the public can continue to place its trust and confidence in the legal professionals of this state, with the support of Maine lawyers, we have enacted a brand new lawyer code of conduct;

- Our staff held brainstorming sessions across the State to provide us with new ideas for efficiencies and cost savings, and many of their ideas are already in place;

- With everyone in the Judicial Branch pitching in, revenues from this Branch have not fallen, even in the face of the vacancies. The FY'08 revenue collection was 29% higher than 5 years ago, and the 2009 revenues are expected to reach almost \$50 million;

- Responding to Maine's growing diversity, we have improved our language interpreter services for the public, and we have created new responses to the growing ethnic and religious diversity in Maine's Courts. Rachel Talbot Ross, Director of the Portland Division of the NAACP, saw a problem in the way our criminal justice system was responding to issues of respect for religious attire. With Rachel's help, and assisted by Sheriff Mark Dion and Zack Heiden of the MCLU, the Courts and the Jails are changing their policies. These improvements are being accomplished without rancor or litigation, in contrast to the experiences in other states. It has been a terrific example of the way Maine works. I think that both Rachel and Zack are here in the Gallery today, would you please stand? I so much appreciate the help of people who are willing to be straightforward and work toward problem solving;

- This year, the Co-Occurring Disorders Court, which addresses the tragedies caused by the confluence of mental illness and substance abuse will, against all odds, expand into another county very shortly, using no new general fund dollars; and

- Overall, the Drug Treatment Courts have continued their extraordinary work, restoring lives, supporting sobriety, and, in the last year, helping seven more babies come into this world drug-free.

As you can see, much has been accomplished in this very challenging time, and there is much more on the horizon.

1. Judicial Branch Initiatives & Collaboratives

(a) Foreclosure Diversion. For example, within the month, through the tireless work of Justice Jon Levy, the Judicial Branch will establish a Task Force to create a Foreclosure Diversion program aimed at helping Maine people who are facing the loss of their homes. I am pleased to say that the Justice Action Group and Maine banks are working with us in this effort, giving us reason to hope for effective solutions.

(b) Juvenile Justice Task Force. Shortly, we will be convening a Juvenile Justice Task Force. This Task Force will represent a first-of-its-kind collaboration of the Judicial Branch, the Children's Cabinet, and the University of Maine School of Law. Working in a very short timeframe, we will launch a new era of coordination, and increased effectiveness and efficiency of early community response to children and families in crisis.

To be sure, Maine has made great strides in improving its youth-focused efforts. Great progress has been made with the state's juvenile correctional facilities. From a time, and many of you will remember this, when our Youth Center was frankly abysmal, to the recent national accreditation and recognition that Longcreek and Mountainview are among the best in the nation, we have come a long way. And the response to child abuse in Maine has also substantially improved. The number of Maine children in state custody has steadily dropped for the first time in

decades, and the number of Maine children who are placed with family members has increased substantially.

But, despite all of these very important improvements, we still find too many of our youth are dropping out of high school, are disconnected from positive peers and communities, and are not coming out of adolescence with the skills necessary to become productive adults.

The Juvenile Justice Task Force will help us develop a coordinated process to identify youth and families in the beginning stages of distress. It should not matter whether the first identification of problems is by a school, the Department of Health and Human Services, the police, the courts, or other community entities; the response should be consistent, swift, and effective. We must use the growing body of evidence about "what works," and find a way to coordinate available services, provide direction before our youth become disaffected, and keep them in, or return them to, school. One of the strongest predictors for joblessness, criminal behavior, and illness, is the disconnection from school and peers. It is estimated nationally that 68% of the prison population never finished high school. We do not want to be building new prisons and jail cells in the future, and we must turn our attention to this enormous challenge for Maine youth. The potential for real, lasting, and effective change through this effort is very exciting.

Once again, several of you have committed to helping us with these Task Forces, and we are grateful for your assistance.

2. Initiatives Requiring Legislative Approval

In addition, there are three upcoming initiatives that will require your attention and have the potential for great improvements.

(a) Facilities. First, thanks to Senate President Mitchell, there is a bill before you, L.D. 882, that will create a single, modernized, LEEDS certified courthouse for Augusta, which is long overdue. The court facilities in Augusta are cramped, disrespectful of our citizens, and often dangerous. President Mitchell's bill would consolidate three different facilities under one roof, streamline the provision of security and technology, and provide a community justice center in the state's capital. Two other similar, though much smaller, projects will be proposed in Washington and Piscataquis Counties. These projects, which bring needed jobs, and create future efficiencies, could make a world of difference in each of their communities.

(b) Indigent Legal Services Commission. Next, does this sound familiar? "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford one, an attorney will be appointed to represent you at the State's expense." Now I see a number of you smiling and nodding, and I have to say quickly, I hope it sounds familiar because you are watching Law and Order too often, and I am not going to ask. But the quotes that you have just heard are not just drama. They are drawn directly from constitutional law established by the United States Supreme Court. The State *must* pay for attorneys to represent impoverished Mainers who are charged with crimes or are the subject of child abuse petitions.

The Indigent Legal Services Commission, Chaired by Justice Robert Clifford, will create an independent system for constitutionally required legal services connected to the prosecution of criminal and child protection cases. As you have heard, the budget for those services in Maine is oddly placed in the Judicial Branch. Having judges responsible for the payment of one party's attorney, and in no way involved in payment or decision-making regarding the other parties, creates the appearance of a conflict of interest that has become intolerable.

You would never think of putting the prosecutors, the

District Attorneys and Attorneys General, within the Judicial Branch budget, and the defending attorneys do not belong there either. I cannot urge you strongly enough to support this proposal, which will not require any new funding. We must eliminate this intolerable appearance of conflict.

(c)Technology. Third, we cannot move the court system forward without real technological solutions. For several years, I have been talking to you about the need for improved accessibility through technology. The current information management in the courts is expensive; cumbersome; costly for staffing, mailing, and storage; and frankly outmoded.

There is an opportunity this year, through grant funding, to completely update the court's technology. We are collaborating with Commissioner Ann Jordan in the Department of Public Safety and several other Executive Branch Departments to seek the necessary grant and stimulus funds for technological improvements. In addition to creating good, high tech, short-term jobs, this initiative will substantially upgrade the technological infrastructure of the court system and our criminal justice system, and it will improve efficiencies going forward.

Perhaps more important than any of the efficiencies or dollars saved in the long run would be the improvement in both the public's access to court-related matters, and the improvement in community safety that would be provided through enhanced criminal justice information systems. Maine has led the way with technology in our schools. You have created wonderful online access to the Maine Legislature. We must do the same in our courts.

Finally, I come to the question that so many of you have asked this year. Given the current General Fund deficit, and the prospect of further reductions, how *can* you help us make sure that, when your constituents need help from the courts, there is a courthouse near them; there is a clerk who will answer the phone; there is a judge who can hear their case, and a marshal to keep them safe.

There are several concrete things you can do right now:

1. Support the Judicial Branch budget, as recommended by the Judiciary Committee, which worked hard to find solutions without requiring new general fund dollars. That budget is based on the recommendations of Governor Baldacci, and provides important management tools to help us to make the most of those dollars. Do not cut further into funding for justice.

2. Support President Mitchell's bill, L.D. 882, which will provide much-needed courthouse improvements, and which, like the other infrastructure projects you are reviewing, will generate local jobs and create efficiencies for the future.

3. Support the recommendations of Justice Clifford's Indigent Legal Services Commission. It will be sufficiently funded from current resources, will not require a single new dollar, and will restore confidence in our criminal justice system.

4. Support the grant funding proposals for the technology that will make the courts more accessible and efficient, and will improve community safety.

5. Keep an eye out for the pot of gold that could be waiting at the end of a rainbow. If there is any opportunity, help us return safety and staff to our courthouses.

Finally, I pledge to keep working with you and your communities. It was a wonderful experience for the Court to sit in Eastport, Winthrop, Bangor, Augusta, and Sanford last fall. Consider inviting us to bring Oral Arguments to a school near you. We have the schools lined up for the fall of 2009, and we are looking for suggestions for the fall of 2010.

In honor of the day, I leave you with this brief Irish Blessing that seems just perfect for those of us in Government.

*May you have the Hindsight to know where you've been
The Foresight to know where you're going
And the Insight to know when you're going too far.
Thank you and Happy St. Patrick's Day.*

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

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

SENATE PAPERS

Pursuant to Public Law

Department of Environmental Protection

Report of the **Department of Environmental Protection** pursuant to Public Law 2005, chapter 509, section 3 asks leave to report that the accompanying Bill "An Act Concerning Mercury-added Button Cell Batteries"

(S.P. 390) (L.D. 1026)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act"

(S.P. 380) (L.D. 1016)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

The following Joint Resolution: (S.P. 391)

JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this nation and State; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 406)

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2009 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 15-21, 2009 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** in concurrence.

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. In honor of St. Patrick's Day, my father always told me that you could always tell an Irishman, but you couldn't tell him much. So Madam Speaker, may the Lord have mercy on our soul and may St. Michael's sing along, and may we be dead two hours before the Devil knows we're gone. Happy St. Patrick's Day.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today on behalf of the Agriculture Committee and every farmer who raises livestock in this state. I am sure you all remember, and it is right bright in front of your mind, that we sent a resolution to Washington asking that the National Veterinary and Medical Services Act be funded. Well, they have acted, and they have put \$5 million for year '09 into that act. So how much of that will make its way to Maine, I'm not sure, but we often feel like why are we doing this? Well, I am sure there are others asking, but we also brought our attention to it, and I just want to thank you.

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 11:59 a.m., until 9:00 a.m., Wednesday, March 25, 2009 pursuant to the Joint Order (S.P. 400) and in honor and lasting tribute to Arthur I. Dodge, of Harpswell.