

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
25th Legislative Day
Tuesday, April 7, 2009

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

Prayer by Reverend Larry E. Kalp, First Parish Congregational Church, UCC, Gorham.

National Anthem by Yarmouth 5th and 6th Grade Chorus, Harrison Middle School.

Pledge of Allegiance.

Doctor of the day, Carol Saunders, M.D., Manchester.

The Journal of Thursday, April 2, 2009 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 471)

JOINT RESOLUTION TO HONOR THE MEMORY OF NOTED AMERICAN ARTIST, ANDREW WYETH

WHEREAS, Andrew Wyeth, the world famous American artist with strong connections to Maine, died January 16, 2009 at the age of 91; and

WHEREAS, Andrew Wyeth was born in Chadds Ford, Pennsylvania on July 12, 1917, the son of artist N. C. Wyeth, who bought a summer home on Horse Point, Port Clyde, Maine in 1920, which is still owned by the Wyeth family; and

WHEREAS, for almost 90 years the Wyeth family has spent summers in Maine, and Andrew Wyeth painted in Knox County for more than 60 years, so long that he himself became part of the summer landscape; and

WHEREAS, Andrew Wyeth and Betsey James were married in 1940 and maintained their summer home in Cushing for many years, and their sons James and Nicholas have continued the family tradition of summering on the Maine coast, and have been well-known to their neighbors and friends on the coast; and

WHEREAS, Andrew Wyeth developed into perhaps the best-known contemporary artist of the 20th century, focusing on realistic temperas and watercolors, and was often referred to as the "Painter of the People" due to the popularity of his work with the American public. His work is represented in all the major art museums of the world; and

WHEREAS, Andrew Wyeth once remarked that Maine was "all dry bones and desiccated sinews." The State appealed to him strongly because he found simplicity here that he thought was lacking elsewhere, and his depictions of Maine seem to make it a more familiar and friendly place to everyone, even those who have never been to Maine; and

WHEREAS, one of his most famous works of art, Christina's World, a tempera in the collection of the Museum of Modern Art in New York City, was inspired and painted in Maine. The painting is considered iconic and one of the best-known images of modern art; and

WHEREAS, as an artist, Andrew Wyeth was honored with many unique awards throughout his lifetime, such as the Presidential Medal of Freedom presented to him by President John F. Kennedy in 1963. He was elected to the Académie des Beaux-Arts in 1977, received the Congressional Gold Medal in 1988, the highest civilian honor bestowed by Congress, and in 2007 he received the National Medal of Arts from President George W. Bush; and

WHEREAS, Andrew Wyeth's artistic abilities have brought unique attention to Maine, especially the Farnsworth Museum of Art located in Rockland, which has an extensive collection of his

artwork and papers and is a major attraction for scholars and art enthusiasts; and

WHEREAS, Andrew Wyeth received honorary Maine citizenship. Among his numerous honorary degrees from around the nation, he received Doctorate of Fine Arts degrees from Bates College in Lewiston, Bowdoin College in Brunswick and Colby College in Waterville; and

WHEREAS, the people of Maine are grateful for the generous support Andrew Wyeth and his family have given to the historic preservation and cultural enrichment of the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, take this occasion to recognize the importance of Andrew Wyeth's contributions to the world of art, in Maine and on a national and international scale, and we honor his memory and extend our condolences to the family of Andrew Wyeth with the sincere admiration of the people of Maine.

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

READ and **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 484)
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE RECOMMENDATIONS OF THE COMMISSION TO PROTECT THE LIVES AND HEALTH OF MEMBERS OF THE MAINE NATIONAL GUARD

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

WHEREAS, the Commission to Protect the Lives and Health of Members of the Maine National Guard, hereafter referred to as "the commission," was established by the 123rd Maine Legislature to develop and recommend measures, changes in protocols and other procedures to prevent future noncombat deaths and disabilities and to save the lives and improve the health of members of the Maine National Guard on both active and inactive duty; and

WHEREAS, the commission has met, held public hearings and developed a number of recommendations, many of which have been adopted in Maine and which would help the United States Armed Forces as a whole; and

WHEREAS, a number of recommendations require federal approval and we forward the recommendations to you as follows:

That increased efforts to diagnose and treat illnesses, such as those found in veterans of the 1990-1991 Gulf War and the global war on terror, be undertaken immediately;

That all anthrax vaccine safety data be made available for expert analysis, especially to decision makers and independent scientists;

That research using the Defense Medical Surveillance System databases specifically investigate the relationship between anthrax vaccine and chronic fatigue syndrome, fibromyalgia and other pain disorders, undiagnosed illnesses and Gulf War syndrome;

That Congress request the Institute of Medicine to perform a review of the military smallpox program in an identical manner to its review of the civilian smallpox program, and ask the Secretary of Defense to follow the recommendations of the institute with respect to future smallpox vaccinations;

That electronic medical records be established that are seamlessly and rapidly transferable between the Department of Defense and the Department of Veterans Affairs;

That existing regulations to improve the medical disability process for service members be enforced and that current standards be improved;

That Congress ensure the Department of Defense's Disability Evaluation System be expanded as quickly as possible, and

That service members be granted the benefit of a doubt when they file a valid disability claim for service-connected injuries or illnesses and be provided health care benefits and compensation as soon as possible; and

WHEREAS, these recommendations of the commission, if adopted for members of the United States Armed Forces, could save the lives and protect the health of all United States military personnel; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress review and adopt these recommendations to protect the lives and health of members of the Maine National Guard and the United States Armed Forces; and be it further

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

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

READ.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to speak in support of this joint resolution, and I am sorry to take up the time of the House this morning. As many of you may know, despite my liberal associations with people to my left and right, I have a military background.

In June 2006, I was a company commander in Afghanistan. I was going on leave the next day and I got a rap on the backdoor of my hooch, my little wooden building my first sergeant and I were living in, and it was another staff member, a fellow captain was knocking and he told me someone was hurt. His building was the next one over, so we ran over and there was a man down on the floor. His name was Pat Damon. For those of you who have been in this House for long, like the Speaker and some others, he was a man who served with distinction in the Speaker's Office, in this Chamber. He was a man of energy, intellect, and integrity. We had a special relationship through our common interests. He had also been the person I assumed command from before we went to Afghanistan. He didn't have to go. He choose to stay on the staff of the unit and continue on to his journey in Afghanistan, despite some questions to his health.

For those you who have ever spent much time overseas, because I did, I extended and stayed on to fight along the Pakistan border after my National Guard Unit had redeployed. I stayed for an extra six months. I became very familiar with death, but this particular death is the one that will always stand with me for the rest of my life. That is why I support this measure, because it is with chagrin and disappointment that I see the need for a resolution like this, because eventually, hopefully we don't have to be deployed to areas like that, and hopefully the

military will close all of the gaps in its screening process for soldiers who are deploying. But it is with pleasure that I saw his mother take up the fight and the banner to fix the problem, just like Pat would have done. It was with pride to be a friend of Pat's, but also to see his legacy will be remembered through the implementation of this resolution and its affect on the National Guard. So it is with that that I support this resolution and hope the rest of you will as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Pat Damon was a friend of mine. I served with Pat in the 133rd Engineers in the 80's. Back before he was a captain, he was E-5, he was the company clerk. We used to call him Radar. He was a tremendous person. His mother's done a wonderful job in bringing this resolution forward, and, as the speaker before me, I think by passing this resolution it will help other god's men in future years. Pat Damon was a great man; he will live in my heart as long as I live, so Pat, rest in peace, my friend.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think it is important for us to also realize what Barbara Damon-Day has accomplished with this commission. She has been working really tirelessly, and it is an honor and privilege for me to speak today in support of the commission's findings.

I do want to thank Barbara Damon-Day and Major General Libby and the members of the commission, to protect the lives and health of the National Guard, for their tireless work to improving our lives of servicemen and women in Maine. Barbara Damon-Day has been and continues to work every day to ensure that we are providing the best care possible for our service members, who are in rotation to deploy and when they come home. The commission took on the challenge to provide higher education and safer standards for preventative medical practices and health screenings administered to the members of the National Guard and to encourage federal military forces to adopt these standards as well.

This commission has already produced real and meaningful accomplishments. They range from ensuring service members are screened for traumatic brain injury before and after their deployment, to improving our service member's veteran's health surveys, and providing a one source stop for veterans and family health information. They have also worked at improving the record handling for military members. They continue to work on this issue and plan to explore ways to track health care for veterans returning to Maine, and to track illnesses both from the Persian Gulf and today's conflicts.

Our next step is to pass this joint resolution before us so we can raise the federal standards. This resolution calls for increased efforts to diagnose illnesses. They are found not just from past wars, but the current conflicts today. It calls for closer examination and transparency of anthrax and smallpox vaccine programs, as well as better record sharing between the Department of Defense and VA, something personally that I have seen that does need serious improvement, working with the records. Again, I want to thank the commission and hope to see their efforts continue in this resolution. Thank you.

Representative **PIEH** of Bremen **REQUESTED** a roll call on **ADOPTION**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 10

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Butterfield, Celli, Flaherty, Flood, Greeley, Innes Walsh, Kent, McFadden, Pendleton, Peterson.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 497)

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED
STATES, THE UNITED STATES
SECRETARY OF ENERGY AND THE
CONGRESS OF THE UNITED STATES
TO REVIEW NATIONAL POLICY ON
USED NUCLEAR FUEL**

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

WHEREAS, nuclear utility ratepayers have committed more than \$31,000,000,000 in fees and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of establishing a permanent repository for storage of used nuclear fuel from commercial reactors and defense-related high-level radioactive waste; and

WHEREAS, the ratepayers of Maine Yankee, Maine's former nuclear power facility, now decommissioned, paid \$65,500,000 into the federal Nuclear Waste Fund for nuclear fuel used after the Nuclear Waste Policy Act was enacted in 1982 and are continuing to make payments into the Spent Nuclear Fuel Disposal Trust Fund to fund a \$185,000,000 obligation for the disposal of spent nuclear fuel used prior to 1983; and

WHEREAS, the United States Government failed to begin accepting commercial used fuel by 1998 as required by the

Nuclear Waste Policy Act of 1982 and by contracts with used fuel owners, and only in 2008 did the United States Department of Energy finally submit an application to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

WHEREAS, the expected funding levels for the permanent fuel disposal program in the fiscal year 2009 federal budgets and statements by the Federal Government concerning the fiscal year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository, if not the outright termination of the project; and

WHEREAS, the Federal Government's failure to meet its 1998 statutory and legal obligations to accept used fuel has led to the Federal Government's being found in partial breach of the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of about \$1,000,000,000 thus far; and

WHEREAS, in light of the Federal Government's failure to meet its responsibility, the commercial nuclear industry has embraced an integrated nuclear fuel management program incorporating:

1. Continued safe and secure storage of used fuel at commercial plant sites;
2. Development of 2 Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities that would host such facilities voluntarily;
3. Continued public and private sector efforts on research, development and deployment of technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant and commercially viable way; and
4. Continued review of the permanent repository license application by the Nuclear Regulatory Commission and continued policymaker engagement to ensure the safety and security of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of the once-through or close nuclear fuel cycle; and

WHEREAS, several prominent national state officials' organizations, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners and the American Legislative Exchange Council, have all endorsed immediate establishment of centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary host communities and continued research on the recycling of fuel and other advanced fuel management technologies; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the United States Government to protect nuclear utility ratepayers by immediately reducing the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the costs incurred by the Department of Energy, Nuclear Regulatory Commission and local Nevada government units that provide oversight of the permanent used fuel repository program; and be it further

RESOLVED: That We, your Memorialists, also respectfully urge the United States Government to immediately enact legislation expediting the establishment of 2 Nuclear Regulatory Commission-licensed, private or government-owned interim storage facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear Waste Fund, and requiring the Department of Energy to take possession of, safely transport and store used fuel at these facilities by leasing space at these facilities, and giving first priority to moving fuel from decommissioned plants; and be it further

RESOLVED: That We, your Memorialists, also respectfully urge the United States Government to enact legislation creating an independent panel of esteemed public policy, scientific, environmental, engineering and affected community leaders that would be charged with conducting a long-term strategic assessment of the Nation's used fuel and defense waste management practices and developing specific recommendations on how to proceed in the future while interim storage facilities are being developed; and be it further

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

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

COMMUNICATIONS

The Following Communication: (H.C. 164)

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

April 1, 2009

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative William P. Browne of Vassalboro as a member of the Joint Standing Committee on State and Local Government for the duration of the absence of Representative Michael Celli of Brewer.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Hannah Pingree

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 165)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

April 1, 2009

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04330

Dear Clerk MacFarland:

In accordance with our authority under Title 12, Section 6447, we are pleased to appoint the following Senators and Representatives to the Lobster Management Policy Councils:

Zone A – Representative Anne C. Perry of Calais

Zone B – Representative Robert N. Eaton of Sullivan

Zone C – Speaker Hannah M. Pingree of North Haven

Zone D – Representative Edward J. Mazurek of Rockland

Zone E – Senator Seth A. Goodall of Sagadahoc

Zone F – Representative Melissa Walsh Innes of Yarmouth

Zone G – Senator Nancy B. Sullivan of York

Please let us know if you have any questions regarding these appointments.

Thank You,

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: (S.C. 189)

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

April 2, 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 Agriculture, Conservation and Forestry, the nomination of Curtis C. Bohlen of Yarmouth for appointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Honorable Donald G. Marean of Hollis for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Sidney T. Bradley of Easton for reappointment to the State Harness Racing Commission.

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

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Transfer the Seed Potato Board to the Maine Potato Board"

(H.P. 982) (L.D. 1406)

Sponsored by Representative MARTIN of Eagle Lake.
(GOVERNOR'S BILL)

Cosponsored by Representative PIOTTI of Unity and Representatives: CRAY of Palmyra, EDGECOMB of Caribou, GIFFORD of Lincoln, PIEH of Bremen, TARDY of Newport, Senators: NUTTING of Androscoggin, RAYE of Washington, SHERMAN of Aroostook.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity (EMERGENCY)

(H.P. 989) (L.D. 1413)

Sponsored by Representative COHEN of Portland.

Cosponsored by Senator DAMON of Hancock and Representatives: GILES of Belfast, HUNT of Buxton, PIOTTI of Unity, SMITH of Monmouth, Senators: COURTNEY of York, PLOWMAN of Penobscot, RECTOR of Knox, SCHNEIDER of Penobscot.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Implement the Recommendations of the PE4ME Planning and Oversight Team"

(H.P. 983) (L.D. 1407)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator MILLS of Somerset and Representatives: CONNOR of Kennebunk, MILLER of Somerville, NELSON of Falmouth, Speaker PINGREE of North Haven, RANKIN of Hiram, STRANG BURGESS of Cumberland.

Bill "An Act To Amend the Laws Governing Spending by School Administrative Units"

(H.P. 990) (L.D. 1414)

Sponsored by Speaker PINGREE of North Haven.

Cosponsored by Senator ALFOND of Cumberland and Representatives: EATON of Sullivan, PRATT of Eddington, SCHATZ of Blue Hill, SUTHERLAND of Chapman.

Resolve, To Promote Partnerships between the University of Maine System and the Maine Business Community

(H.P. 991) (L.D. 1415)

Sponsored by Representative LOVEJOY of Portland.

Cosponsored by Senator ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, FLOOD of Winthrop, MARTIN of Orono, McFADDEN of Dennysville.

HEALTH AND HUMAN SERVICES

Bill "An Act To Establish the Universal Childhood Immunization Program"

(H.P. 984) (L.D. 1408)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator MARRACHÉ of Kennebec and Representatives: BERRY of Bowdoinham, EVES of North Berwick, MILLER of Somerville, PERRY of Calais, Speaker PINGREE of North Haven, STRANG BURGESS of Cumberland, Senators: BRYANT of Oxford, MILLS of Somerset, President MITCHELL of Kennebec.

Bill "An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program"

(H.P. 992) (L.D. 1416)

Sponsored by Representative MILLETT of Waterford.

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

Bill "An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants"

(H.P. 993) (L.D. 1417)

Sponsored by Representative PERRY of Calais.

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

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Make Technical and Supervisory Amendments to the Laws Governing Banking and Consumer Credit"

(H.P. 985) (L.D. 1409)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator BOWMAN of York and Representatives: BEAUDOIN of Biddeford, FOSSEL of Aina,

GOODE of Bangor, MORRISON of South Portland, RICHARDSON of Warren, Senator: McCORMICK of Kennebec. Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures" (EMERGENCY)

(H.P. 994) (L.D. 1418)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator BOWMAN of York and Representatives: ADAMS of Portland, BERRY of Bowdoinham, BRIGGS of Mexico, BRYANT of Windham, CLARK of Millinocket, CORNELL du HOUX of Brunswick, DRISCOLL of Westbrook, DUCHESNE of Hudson, EVES of North Berwick, FLEMINGS of Bar Harbor, FOSSEL of Aina, GILBERT of Jay, GOODE of Bangor, LEGG of Kennebunk, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MAZUREK of Rockland, MILLER of Somerville, PERRY of Calais, PETERSON of Rumford, Speaker PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington, PRIEST of Brunswick, RUSSELL of Portland, SCHATZ of Blue Hill, STEVENS of Bangor, STUCKEY of Portland, THERIAULT of Madawaska, VALENTINO of Saco, WAGNER of Lyman, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, GOODALL of Sagadahoc, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, SCHNEIDER of Penobscot, SIMPSON of Androscoggin.

Bill "An Act To Implement Respectful Language Amendments"

(H.P. 995) (L.D. 1419)

Sponsored by Representative WEBSTER of Freeport.

Committee on **JUDICIARY** suggested.

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

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates"

(H.P. 996) (L.D. 1420)

Sponsored by Representative CAREY of Lewiston.

Cosponsored by Representative: PIOTTI of Unity.

Bill "An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries"

(H.P. 997) (L.D. 1421)

Sponsored by Representative COTTA of China.

Cosponsored by President MITCHELL of Kennebec and Representatives: CURTIS of Madison, HANLEY of Gardiner, PEOPLES of Westbrook, Speaker PINGREE of North Haven, PIOTTI of Unity, RICHARDSON of Warren, TARDY of Newport, WATSON of Bath.

NATURAL RESOURCES

Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources

(H.P. 998) (L.D. 1422)

Sponsored by Representative FLEMINGS of Bar Harbor.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BERRY of Bowdoinham, CLEARY of Houlton, HINCK of Portland, WALSH INNES of

Yarmouth, PERCY of Phippsburg, Senator: GOODALL of Sagadahoc.

Bill "An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses"

(H.P. 999) (L.D. 1423)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Representative: MARTIN of Eagle Lake, Senator: SMITH of Piscataquis.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Restore the Historical Town Boundary between Harpswell and Brunswick"

(H.P. 986) (L.D. 1410)

Sponsored by Representative PERCY of Phippsburg.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

(H.P. 1000) (L.D. 1424)

Sponsored by Representative VALENTINO of Saco.

Cosponsored by Senator JACKSON of Aroostook and Representatives: ADAMS of Portland, MARTIN of Eagle Lake, PENDLETON of Scarborough, SCHATZ of Blue Hill, SMITH of Monmouth, TREAT of Hallowell, TUTTLE of Sanford, Senator: MILLS of Somerset.

Bill "An Act Regarding Payment to Municipal and Quasi-municipal Entities for Emergency Response to Hazardous Materials Incidents"

(H.P. 1001) (L.D. 1425)

Sponsored by Representative THIBODEAU of Winterport.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, BLODGETT of Augusta, DRISCOLL of Westbrook, GILBERT of Jay, JOHNSON of Greenville, TUTTLE of Sanford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TAXATION

Bill "An Act To Allow Municipalities To Impose a Local Option Lodging or Meals Tax"

(H.P. 1002) (L.D. 1426)

Sponsored by Representative FLEMINGS of Bar Harbor.

Cosponsored by Senator PERRY of Penobscot and Representatives: BERRY of Bowdoinham, BLODGETT of Augusta, CLEARLY of Houlton, CROCKETT of Augusta, FLAHERTY of Scarborough, HUNT of Buxton, Senator: DAMON of Hancock.

Bill "An Act To Compensate Maine Residents for the Impacts of High-voltage Transmission Lines" (EMERGENCY)

(H.P. 1003) (L.D. 1427)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: CONNOR of Kennebunk, HINCK of Portland, MILLER of Somerville, ROTUNDO of Lewiston, Senators: BOWMAN of York, GERZOFISKY of Cumberland, NUTTING of Androscoggin.

Pursuant to Statute

Maine Health Data Organization

Representative PERRY for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying

Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 987) (L.D. 1411)

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

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

Sent for concurrence.

Pursuant to Statute

Department of Health and Human Services, Office of MaineCare Services

Representative PERRY for the **Department of Health and Human Services, Office of MaineCare Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY)

(H.P. 988) (L.D. 1412)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative MAZUREK of Rockland, the following Joint Resolution: (H.P. 1004) (Cosponsored by Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CLARK of Millinocket, DRISCOLL of Westbrook, EVES of North Berwick, FLEMINGS of Bar Harbor, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, KENT of Woolwich, KRUGER of Thomaston, LEGG of Kennebunk, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, McCABE of Skowhegan, MORRISON of South Portland, O'BRIEN of Lincolnville, PERRY of Calais, PILON of Saco, Speaker PINGREE of North Haven, PRATT of Eddington, RUSSELL of Portland, SANBORN of Gorham, SCHATZ of Blue Hill, STEVENS of Bangor, STUCKEY of Portland, THERIAULT of Madawaska, TRINWARD of Waterville, VAN WIE of New Gloucester, Senator: DAMON of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CONGRESS OF THE UNITED STATES TO SIGN LEGISLATION THAT ESTABLISHES A NATIONAL, UNIVERSAL, SINGLE-PAYOR NONPROFIT HEALTH CARE PLAN

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled

in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, administrative costs and profits inherent in our current private insurance-based system consume 31% of health care spending, nearly twice that spent by other national health care systems; and

WHEREAS, it is estimated that the cost for the United States National Health Insurance Act, H.R. 676 would only be 5% of income for a vast majority of employers and employees; and

WHEREAS, today medical bills contribute to 1/2 of all personal bankruptcies, the majority of which happen to people who have insurance when illness occurs; and

WHEREAS, proposed mandatory private for-profit health insurance plans will be affordable only for those people who choose high deductibles and minimal coverage, discouraging preventive care and saddling many families with huge medical bills; and

WHEREAS, over the last 35 years managed care, health maintenance organizations and private for-profit health reforms have failed to contain health care costs, which now threaten the international competitiveness of United States manufacturers; and

WHEREAS, researchers at Harvard University have estimated that more than \$300,000,000,000 per year could be recovered by replacing private insurance companies with a public single-payor plan, enough to cover the uninsured and to improve coverage for all those who now have only partial coverage; and

WHEREAS, the United States National Health Insurance Act would ensure universal coverage for all medically necessary services, contain costs by slashing bureaucracy, protect the doctor-patient relationship, ensure that patients have a completely free choice of doctors and hospitals and allow independent private physicians to make decisions about needed care rather than the profit-oriented corporations; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact and the President of the United States sign legislation that is substantially similar to the United States National Health Insurance Act, H.R. 676, which was introduced in the 110th United States Congress; and be it further

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

READ.

The **SPEAKER:** The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There is an old saying in this country: if it's not broken, don't fix it. Well, our health care system is broken. It is in shatters, it's in tatters. It needs to be fixed. I have talked to doctors, I have talked to fishermen, I have talked to housewives, I have talked to everyday people, rich and poor, healthy and sick alike, and they all say the same thing, that the health care system in this country has taken them broke and this country broke. We are the only industrialized nation in the world not to have a national, single-payor health care insurance.

In most countries, they spend approximately 7 percent of their gross domestic product on health care, while we here in the United States spend 16 percent. Now if you are very poor or you are very rich, you're not really going to worry about health care.

The very poor are going to be taken care of; the very rich, they don't have to worry about the price of medical care. However, it is the people in the middle that are getting squeezed to the point where they cannot afford to go to the doctors; they cannot afford a day in the hospital; they are suffering, and no fault of their own, because their insurance is going out of sight or they are losing their insurance. We can't find primary doctors any longer. They have all joined up and work with hospitals. Why? Because, first of all, they cannot afford their own insurance to cover their practice and, secondly, many of their patients have lost insurance and cannot afford to go to the doctor any longer.

I have talked to a number of people. Some of the stories they have told me is the fact that if the current rates continue to go, they will be paying more per month for health care insurance than they are for their mortgage. Many are saying that they are closing up shop because they simply cannot afford to operate any longer. The other day, I happened to be watching a show on TV, where they closed down a cancer facility and they interviewed the people there. These people have lost their insurance or their insurance has refused to pay for the treatment. The simple question was what did this decision mean to you? What did this decision to close this cancer facility down mean to you? Every one of them answered the same way: It's a death sentence. Put yourself in their situation. You get the startling news that you've got cancer, it can possibly be treated, but you can't afford the treatment because you don't have health insurance or the facility has closed down. You look at the mirror and you say how much time do I have left? What about my family, what about my friends? Any time we put profit before health, it is a sad situation, and that's what we are in this country right now. We are worried about profit rather than taking care of the people who need health care.

I am urging you to support this resolution so that we can get this question out in the public, we can get Congress talking about it, and we can do something about this national crisis that we all face, that's our health care system, and everyone of us is going to be faced with health care problems sometime. If you happen to be very wealthy or very poor, you're not going to worry about it. But if you're like I am, I am very concerned about it, my family is very concerned about it, and many of the people who I dearly like and dearly love are concerned about it. Thank you very much.

Representative **CEBRA** of Naples **REQUESTED** a roll call on **ADOPTION.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 11

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Fossel,

Gifford, Giles, Greeley, Hamper, Hanley, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Butterfield, Celli, Flaherty, Flood, Kent, McFadden, Pendleton, Peterson.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Admiral Robert Edwin Peary, on the occasion of the 100th anniversary of his successful journey to the top of the North Pole. Admiral Peary's family was originally from Maine. A graduate of Portland High School, he subsequently graduated from Bowdoin College and worked as a civil engineer. He was also employed as a surveyor for the Town of Fryeburg. In 1881, he purchased Eagle Island and made it his summer residence, which is now owned by the State and is a unique state historic site, receiving 6,000 visitors by boat each year. On April 6, 1909, after repeated efforts and great hardship, Admiral Peary and his crew, which consisted of Matthew Henson and 4 Inuit men, determined that they had reached 90 degrees latitude north, the North Pole. They raised an American flag, made scientific observations and remained at the North Pole for about 30 hours. Admiral Peary died on February 20, 1920 and was buried with full honors in Arlington National Cemetery, where a large globe monument attests to his many achievements. We are proud to acknowledge Admiral Peary as a native of Maine;

(HLS 194)

Presented by Representative PERCY of Phippsburg. Cosponsored by Senator GERZOFISKY of Cumberland.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. At one o'clock this afternoon at the Maine State Museum, there will be an event that is being hosted by the Department of Conservation. They are the department within the state that takes care of Eagle Island and, if none of you have had the chance yet, a trip to Eagle Island is truly worth the experience, not only to see how the state works with a community to support a historic site like that, but also to experience the beauty of Casco Bay. I would love to have all of you join us, if possible, at one o'clock at the Maine State Museum to meet the Friends of Eagle Island and to continue honoring Admiral Robert Edwin Peary. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An

Act To Protect Consumers from Credit Card and Debit Card Holds"

(H.P. 334) (L.D. 446)

Signed:

Senators:

BOWMAN of York
McCORMICK of Kennebec
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
GOODE of Bangor
RICHARDSON of Warren
LEGG of Kennebunk
WEAVER of York
MORRISON of South Portland
BECK of Waterville
FOSSEL of Alna
PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

BEAUDOIN of Biddeford

READ.

On motion of Representative TREAT of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a bill to address a problem that is an important problem, which relates to the fact that credit and debit card holds are put on your bills and they are often more than the cost of the item that you are purchasing, and the hold can be for an undetermined length of time. The committee was very interested in this problem, but we found out, as we often do in the Insurance and Financial Services Committee, that the Federal Government has taken ownership over this issue and said that they will regulate it. Unfortunately, they have done a very poor job of regulating it. But we did find, as a result of this bill being put in, that the FDIC is in the middle of a rulemaking right now, and we were able to submit comments in support of that rulemaking to regulate these debit and credit card holds. So the bill was actually very timely and helpful to us, but I do ask that you vote with the majority of the committee, Ought Not to Pass, because we are not actually able to regulate this area of the law. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the motion, in favor of this bill. This is a consumer protection measure that stops businesses from placing holds on unreasonable amounts of money for unreasonable amounts of time, when a debit or credit card is used to make a purchase.

One of my constituents contacted me about this bill because holds on his account resulted in having to pay extra fee to his bank. Let's say a person uses his debit card to purchase gas at a local gas station. He purchases \$18 in gas, knowing that the balance in his check register is close to \$50. Two checks are outstanding so the actual balance is more, but he is fastidious when it comes to financial matters, especially his checking account, so he knows what he can spend on gas. This person

will later learn that the two outstanding checks bounced and he will be charged an additional \$60 in fees, because when the checks were processed, there was a \$75 hold on funds in his account from the \$18 gasoline purchase. It is common practice for gas stations to hold the maximum amount of the purchase, typically \$50 to \$75, regardless of the actual amount of the purchase. These holds can last up to three banking days. Not only do people not agree to this condition, but they may not even be aware of it, even with the tiny placards that are required to be posted on the gas pump, along with so many other things.

My goal with this bill was to address two issues: The amount of the hold and the length of the hold. The amount of the hold is negotiated with financial institutions by large oil companies as part of their merchant discount rate. The hold is then passed on to the franchise gas station. According to the large companies, this action ensures that the money for this transaction is available when the transaction is finally processed. The length of the hold is determined by the financial institutions. According to them, three days are needed to verify the actual amount of the transaction. The information is not available to the financial institution until the batch is processed by the gas station.

I understand the rationale, both for the oil companies and for the financial institutions. When this legislation was proposed during the 122nd Legislature, there didn't seem to be any alternatives. But in October 2008, Visa rolled out a real-time clearing procedure that allows transactions such as these to be cleared within 15 minutes or 2 hours at the most. Under this new program, they base the amount of the hold on the average transaction of the gas station. Other banks do not have this procedure available yet, but it is time now, on behalf of consumers, to say make the change, we will not shoulder this burden for you. Please vote no on this Ought Not to Pass. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was sent for 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. 255) (L.D. 680) Bill "An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 24) (L.D. 65) Bill "An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)**

(S.P. 32) (L.D. 83) Bill "An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

(S.P. 33) (L.D. 84) Bill "An Act To Ensure Fair Pay" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

(S.P. 40) (L.D. 118) Bill "An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)**

(S.P. 87) (L.D. 246) Bill "An Act Regarding Violations of Lobster Conservation Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)**

(S.P. 112) (L.D. 348) Bill "An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

(H.P. 25) (L.D. 30) Bill "An Act To Establish Native American Veterans Day" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-45)**

(H.P. 34) (L.D. 39) Bill "An Act To Enhance Motorcycle Safety" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-39)**

(H.P. 144) (L.D. 165) Bill "An Act To Supervise and Regulate Escrow Agents in Order To Protect Consumers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-40)**

(H.P. 171) (L.D. 206) Resolve, To Fund the Nursing Education Loan Repayment Program (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-46)**

(H.P. 195) (L.D. 249) Bill "An Act Regarding Bail Defaults and the Extradition Account" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-43)**

(H.P. 196) (L.D. 250) Bill "An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-42)**

(H.P. 211) (L.D. 268) Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)**

(H.P. 254) (L.D. 318) Bill "An Act Regarding Rockport College" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-48)**

(H.P. 285) (L.D. 378) Bill "An Act To Prohibit Dragging for Bait Fish in Certain Territorial Waters" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-51)**

(H.P. 286) (L.D. 379) Bill "An Act To Amend the Notary Public Laws" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-50)**

(H.P. 446) (L.D. 632) Bill "An Act To Increase Payments to Victims of Crimes" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-52)**

(H.P. 517) (L.D. 758) Bill "An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-53)**

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

(S.P. 57) (L.D. 171) Bill "An Act To Extend the Season for Training Hunting Dogs" Committee on **INLAND FISHERIES**

AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (S-22)

On motion of Representative CLARK of Millinocket, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

**CONSENT CALENDAR
Second Day**

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

(S.P. 248) (L.D. 673) Bill "An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States"

(S.P. 287) (L.D. 740) Bill "An Act To Validate the Property Tax Commitments in the Towns That are Members of Community School District No. 9" (EMERGENCY)

(S.P. 16) (L.D. 7) Bill "An Act To Amend the Instruction Permit Process" (C. "A" S-7)

(S.P. 81) (L.D. 240) Bill "An Act To Extend the Exception to Axle Fines during the Midwinter Season" (EMERGENCY) (C. "A" S-10)

(H.P. 141) (L.D. 162) Bill "An Act To Clarify Child Abuse and Neglect Information Disclosure"

(H.P. 315) (L.D. 427) Bill "An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse"

(H.P. 579) (L.D. 843) Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge

(H.P. 656) (L.D. 953) Bill "An Act To Amend the Charter of the Winterport Water District" (EMERGENCY)

(H.P. 111) (L.D. 127) Bill "An Act To Prohibit Telephone Line-item Charges Not Representing Services Requested by the Customer or Required by Law" (C. "A" H-32)

(H.P. 149) (L.D. 184) Bill "An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location" (C. "A" H-37)

(H.P. 165) (L.D. 200) Bill "An Act To Amend the Charter of the Caribou Utilities District" (C. "A" H-34)

(H.P. 192) (L.D. 238) Bill "An Act Regarding Consumer-owned Water Utilities and Contracts for Water Extraction and for the Sale of Water" (C. "A" H-35)

(H.P. 214) (L.D. 271) Bill "An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts" (EMERGENCY) (C. "A" H-36)

(H.P. 339) (L.D. 451) Bill "An Act To Clarify the Law Regarding Reinstatement of a Driver's License" (C. "A" H-38)

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

**BILLS IN THE SECOND READING
Senate as Amended**

Bill "An Act To Modify the Laws Regarding Seat Belts"

(S.P. 71) (L.D. 221)
(C. "A" S-9)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

**ENACTORS
Emergency Measure**

An Act To Amend the Charter of the Limestone Water and Sewer District

(H.P. 218) (L.D. 275)
(C. "A" H-33)

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. 143 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.

Emergency Measure

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32

(H.P. 588) (L.D. 857)

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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services

(H.P. 70) (L.D. 80)
(C. "A" H-8)

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. 135 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Clarify the Disposition of Fines from Maine's Soft-shelled Clam Laws

(H.P. 27) (L.D. 32)
(C. "A" H-7)

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

(S.P. 38) (L.D. 89)
(C. "A" S-6)

An Act To Abolish the Intergovernmental Advisory Commission

(H.P. 174) (L.D. 209)

An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events
(H.P. 258) (L.D. 322)

An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts
(S.P. 195) (L.D. 500)

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

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.

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, April 2, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-15)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Encourage the Preservation of Dark Skies
(H.P. 6) (L.D. 11)

TABLED - March 26, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-15)** was **READ** by the Clerk and **ADOPTED.**

The Resolve was assigned for **SECOND READING** Wednesday, April 8, 2009.

Bill "An Act To Require Interscholastic Athletic Organizations To Comply with Freedom of Access Laws"
(H.P. 909) (L.D. 1306)

- In House, **REFERRED** to the Committee on **JUDICIARY** on March 31, 2009.

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

TABLED - April 2, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **INSIST.**

SENATE PAPERS

Bill "An Act To Ban Racial Profiling"
(S.P. 526) (L.D. 1442)

Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law"
(S.P. 532) (L.D. 1447)

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 Permit Charter Schools in Maine"
(S.P. 522) (L.D. 1438)

Bill "An Act To Support the Center of Excellence for At-risk Students" (EMERGENCY)
(S.P. 528) (L.D. 1443)

Bill "An Act To Create the Maine Online Learning Program" (EMERGENCY)
(S.P. 531) (L.D. 1446)

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 Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking"
(S.P. 513) (L.D. 1429)

Bill "An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs"
(S.P. 517) (L.D. 1433)

Bill "An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety"
(S.P. 519) (L.D. 1435)

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 Create Economic Development in the State by Modernizing the State's Captive Insurance Laws"
(S.P. 520) (L.D. 1436)

Bill "An Act To Conform State Mortgage Laws with Federal Laws" (EMERGENCY)
(S.P. 523) (L.D. 1439)

Bill "An Act To Protect Consumers and Small Business Owners from Rising Health Care Costs"
(S.P. 529) (L.D. 1444)

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.

Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets
(S.P. 515) (L.D. 1431)

Bill "An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay"
(S.P. 525) (L.D. 1441)

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 Permit Video Gaming for Money Conducted by Nonprofit Organizations"
(S.P. 521) (L.D. 1437)

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 Create a Saltwater Recreational Fishing Registry"
(S.P. 516) (L.D. 1432)

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

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

Bill "An Act Regarding Asbestos Abatement Work"

(S.P. 518) (L.D. 1434)

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

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

Bill "An Act Regarding the Pay of Tribal Representatives"
(EMERGENCY)

(S.P. 512) (L.D. 1428)

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 Clarify and Strengthen the State's Motor Vehicle Laws"

(S.P. 530) (L.D. 1445)

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 Ensure Electric Capacity To Serve Maine Consumers"

(S.P. 514) (L.D. 1430)

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.

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 Exempt Volunteer Lobbyists from State Disclosure Requirements"

(S.P. 534) (L.D. 1448)

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. 470)
JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a potentially devastating and immobilizing progressive disorder of the brain and spinal cord that cause paralysis, tremor, depression and isolation and is unpredictable in its outcome; and

WHEREAS, Parkinson's disease is estimated to affect approximately 7,000 adults, an unknown number of children and numerous care providers in the State each day; and

WHEREAS, each Parkinson's disease patient requires, in a typical week, an estimated 7 caregivers, so that the number of people directly affected by Parkinson's disease is close to 50,000 each week in the State; and

WHEREAS, Parkinson's disease symptoms are neither understood nor clearly identified for either the medical community or the general public, creating distress and danger in the lives of Parkinson's patients, especially those who are arriving at emergency rooms in the State's hospitals; and

WHEREAS, upon arrival at an emergency room, Parkinson's patients are exposed to untrained medical personnel, causing inaccurate assessments; and

WHEREAS, there are just 2 movement disorder neurologists in this State specializing in Parkinson's disease, one in Scarborough and one in Westbrook, making access limited and causing treatment to be insufficient for prospective patients; and

WHEREAS, in order to save lives, there is an urgent need to fund and enact a plan to train, inform and educate emergency room personnel, law enforcement, firefighters, other public safety workers, emergency medical services' personnel, directors of transportation and supervisors of state parks and recreational areas; and

WHEREAS, there exists a network of 15 Parkinson's support groups statewide, located in Augusta, Waterville, Greater Bangor, Biddeford, the Blue Hill area, Bath, Brunswick, Cape Elizabeth, Camden, Greater Portland, Lewiston, Norway, Westbrook, Yarmouth and York and 2 other groups, a younger onset group in Brunswick and a Parkinson's Plus group in South Portland; and

WHEREAS, the Maine Chapter of the American Parkinson Disease Association, the Maine Parkinson Society and the MaineHealth Learning Resource Center are all jointly established at a central resource at the Maine Medical Center campus in Falmouth and satellite resources exist in all MaineHealth Learning Resource Center locations, including Norway, Scarborough, Falmouth, Portland and Maine Medical Center's East Tower; and

WHEREAS, April 11th is known globally as World Parkinson's Day, and April is Parkinson's Awareness Month; 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 express our support for and commitment to all efforts being made by the Parkinson's disease community to close the gaps in funding, services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine Chapter of the American Parkinson Disease Association, the MaineHealth Learning Resource Center in Falmouth and the University of New England Medical School.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-41)** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

(H.P. 11) (L.D. 16)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
JONES of Mount Vernon
CAMPBELL of Newfield
STUCKEY of Portland
EVES of North Berwick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representatives:

PETERSON of Rumford
SANBORN of Gorham
LEWIN of Eliot
STRANG BURGESS of Cumberland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-41)** Report.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-41)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, April 8, 2009.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Resolve, To Increase the Blood Supply

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PETERSON of Rumford
SANBORN of Gorham
JONES of Mount Vernon
CAMPBELL of Newfield
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representatives:

PERRY of Calais
LEWIN of Eliot
JOY of Crystal

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 8, 2009.

Eleven Members of the Committee on **NATURAL RESOURCES** report in Report "A" **Ought Not to Pass** on Bill "An Act Regarding the Labeling of Wood Pellet and Biomass Heating Fuel Sold in the State"

(H.P. 238) (L.D. 298)

Signed:

Senators:

GOODALL of Sagadahoc
SMITH of Piscataquis

Representatives:

HAMPER of Oxford
BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake
DUCHESNE of Hudson
EDGEComb of Caribou
WALSH INNES of Yarmouth
AYOTTE of Caswell
WELSH of Rockport

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-54)** on same Bill.

Signed:

Representative:

EBERLE of South Portland

One Member of the same Committee reports in Report "C" **Refer to the Committee on Agriculture, Conservation and Forestry** on same Bill.

Signed:

Senator:

SIMPSON of Androscoggin

READ.

On motion of Representative DUCHESNE of Hudson, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for 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. I just wanted to invite everyone to a press conference at 11:30 am with the Chief Executive on the second floor, to accept the report from the commission to protect the lives of Maine National Guardsmen. Barbara Damon-Day will be there. I would also invite people to a reception in the LVA Committee, which is room 437, right after. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne, who wishes to address the House on the record.

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is early in floor debate season and I am a little rusty. Last week, during floor discussion on LD 107, I relayed a story told to us by the sponsor, the Representative from Ripley, Representative Thomas, about some property he might wish to develop along the Sebasticook River and that was completely isolated by wetlands. I am told that some people confused those remarks or construed the remarks to question the Representative's motives in the bill. For the record, I am perfectly confident that the Representative was concerned about the water issues inherent in the bill. Any inference to the contrary would be inadvertent, but also inappropriate. If there is any question about that, I am pleased to correct the record and offer this apology. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Ripley, Representative Thomas, who wishes to address the House on the record.

Representative **THOMAS**: Madam Speaker, I will accept the member from Hudson's apology. I wish to thank Representative Duchesne, and I would like to put this behind us and move on. Thank you.

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

On motion of Representative **KNIGHT** of Livermore Falls, the House adjourned at 11:20 a.m., until 10:00 a.m., Wednesday, April 8, 2009 and in honor and lasting tribute to Irma K. Bowles, of Livermore and The Honorable Abigail Holman.