

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Fourth Legislature
State of Maine

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 FIRST REGULAR SESSION
 33rd Legislative Day
 Thursday, April 30, 2009

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

Prayer by Reverend Daryl Lavway, Central Square Baptist Church, Portland.

National Anthem by Lauren Marcoux, Shawmut.

Pledge of Allegiance.

Doctor of the day, John R. Gimpel, D.O., Biddeford.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 176)

**STATE OF MAINE
 CLERK'S OFFICE
 2 STATE HOUSE STATION
 AUGUSTA, MAINE 04333**

April 30, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Committees have voted unanimously to report the following items out "Ought Not to Pass":

Business, Research and Economic Development

L.D. 1137 An Act To Limit the Interest Charged under Rental-purchase Agreements

Education and Cultural Affairs

L.D. 1221 An Act To Remove the Local Requirement for Education Funding

L.D. 1227 An Act To Equalize the Regional Salary Cost Index under the School Funding Formula

L.D. 1298 An Act To Adjust the Special Education Funding for Minimum Subsidy Receivers

L.D. 1414 An Act To Amend the Laws Governing Spending by School Administrative Units

Criminal Justice and Public Safety

L.D. 382 An Act To Clarify the Meaning of Prudent Speed

L.D. 492 An Act to More Accurately Reflect the Disposition of a Case in Criminal History Record Information

Health and Human Services

L.D. 975 An Act To Establish the Maine Medical Marijuana Act

L.D. 1070 Resolve, Directing the University of Maine at Orono To Conduct a Pilot Project Regarding the Benefits of Medical Marijuana

L.D. 1116 An Act To Ensure Health Care Practitioners Understand and Screen for Domestic Abuse for Pregnant Women and New Mothers

L.D. 1117 An Act To Create a Statewide Breast-feeding Resource System at Women, Infants and Children Offices

L.D. 1291 Resolve, Establishing a Study Commission on In Utero Narcotic Drug Exposure (EMERGENCY)

L.D. 1340 An Act To Protect Consumers' Health Information Records

L.D. 1354 Resolve, Directing the Department of Health and Human Services To Limit Prescriptions for Narcotic Drugs under MaineCare without Prior Authorization

Judiciary

L.D. 376 An Act To Remove Domestic Court Cases from the Probate Court

Marine Resources

L.D. 1128 An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License

Transportation

L.D. 992 An Act To Increase Highway Safety by Requiring Daytime Headlight Use

L.D. 1043 Resolve, To Establish a Blue Ribbon Commission To Study On-ramp Speed Limits

L.D. 1123 An Act To Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates

L.D. 1150 Resolve, To Establish a Pilot Project To Issue Conditional Titles for Certain Automobiles and Trucks That Are More than 25 Years Old

L.D. 1316 An Act To Limit the Transport of Water for Export

Utilities and Energy

L.D. 1052 An Act To Allow the Use of Net Metering for Energy Production by Consumers

Maine's Energy Future

L.D. 501 An Act To Ensure Maine's Energy Security and Reduce Dependence on Oil

L.D. 755 An Act To Help the State Achieve Energy Independence and Security

L.D. 774 An Act To Create Jobs and Improve Energy Efficiency through the Transformation of Maine's Housing Stock (EMERGENCY)

L.D. 885 An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units

L.D. 886 An Act To Secure Maine's Energy Future

L.D. 955 An Act To Transform the Maine Economy and Create Jobs

L.D. 980 An Act To Provide a Tax Credit for Heating and Cooling System Alternatives and Improvements That Benefit the Environment and Address Climate Change (EMERGENCY)

L.D. 1181 An Act To Create Jobs through Investment in Green Energy

L.D. 1201 An Act Regarding Energy Independence (EMERGENCY)

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 177)

**STATE OF MAINE
 CLERK'S OFFICE
 2 STATE HOUSE STATION
 AUGUSTA, MAINE 04333**

April 30, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station
Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the Committee on Judiciary has approved the request by the sponsor, Representative Dill of Cape Elizabeth, to report the following "Leave to Withdraw":

L.D. 784 An Act To Improve the Process for Recovering Personal Property

Pursuant to Joint Rule 310, the Committee on Judiciary has approved the request by the sponsor, Senator Simpson of Androscoggin, to report the following "Leave to Withdraw":

L.D. 301 An Act To Require Home Sellers To Disclose Energy Usage Data

Sincerely,
S/Millicent M. MacFarland
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding the Evaluation of Economic Development Programs"

(H.P. 1022) (L.D. 1468)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AUSTIN of Gray, CAIN of Orono, CLEARY of Houlton, COHEN of Portland, GILES of Belfast, HUNT of Buxton, MacDONALD of Boothbay, MARTIN of Orono, PRESCOTT of Topsham, WRIGHT of Berwick, Senators: RECTOR of Knox, SULLIVAN of York.

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

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act Relating to the Carrabassett Valley Sanitary District"

(H.P. 1021) (L.D. 1467)

Sponsored by Representative CROCKETT of Bethel.

Cosponsored by Representatives: DAVIS of Sangerville, JOHNSON of Greenville, PINKHAM of Lexington Township.

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

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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. 23)

ORDERED, that Representative Mark Eves of North Berwick be excused April 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Adam Goode of Bangor be excused April 14, 15 and 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter B. Johnson of Greenville be excused April 16 for personal reasons.

READ and **PASSED.**

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Arthur A. Stilphen, of North Belgrade. Mr. Stilphen served for 3 years in the United States Army as a medic. He graduated from the University of Maine at Orono and, in 1972, the University of Maine School of Law. Early in his working career, he was a state park ranger. He had a private practice before becoming an Assistant District Attorney in Cumberland County, Assistant Attorney General in the Criminal Division and Acting District Attorney in York County. In 1979, Mr. Stilphen was appointed the first civilian Commissioner of Public Safety for the State of Maine under Governor Joseph Brennan, and he established the first State Crime Lab. He was very involved in Democratic political campaigns for many years as a volunteer. He and his wife, Brenda, owned and operated general stores in Smithfield and North Belgrade. Mr. Stilphen was also a past president of the Belgrade Lions Club, a member of the Masonic Order of the Scottish Rite in Portland, a member of the Rockland Lodge and a former member of the Kora Temple Shrine. Mr. Stilphen will be deeply missed by his family, his friends and his community;

(HLS 276)

Presented by Representative JONES of Mount Vernon.

Cosponsored by Senator GOOLEY of Franklin.

On **OBJECTION** of Representative JONES of Mount Vernon, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Arthur Stilphen was a highly respected citizen of District 83 and lived in the town of North Belgrade. I knew him only briefly when I met him last fall as I was campaigning and stopped at his north Belgrade store next to Tukey's lumber mill.

Arthur was a quiet man and when I first met him was reserved and silent. He immediately asked me what party I was representing. I told him I was a Democrat and I saw him relax and become more friendly. Arthur was a champion for the Democratic Party and Democratic candidates. However, you need to know that he came from a long line of Maine Republicans. His father was Carl Stilphen, who served in the Maine State Senate here, from Rockland, and his grandfather was Alden Stilphen from Dresden, who also served in the Senate.

When I met with him, he spoke about how he had worked for the State of Maine in the Department of Public Safety. He told me how he and his wife bought a home and some camps on Great Pond near his North Belgrade store and after retiring from his professional life he settled into serving his community through running the stores that they owned, both in North Belgrade and Smithfield.

As you just heard in the sentiment read, Arthur was a soldier, a park ranger early in life, a lawyer, and he was commissioner of Public Safety in Governor Joseph Brennan's

administration. He established the first crime lab at the Department of Public Safety.

Attorney General Janet Mills shares fond memories of serving with Arthur at the district attorney's office. Janet prosecuted her first homicide case with Arthur. She shared that he was very honest and a loyal dedicated worker for the public and for those he supported in a number of campaigns. He was very detail oriented and thorough in his work. She also shared that he was a good lawyer, and that he could have been a judge, but later he decided to leave his professional life and serve his community at his store in North Belgrade and Smithfield.

Talking with his wife Brenda, she enthusiastically shared how their family worked together throughout their life on many Democratic campaigns and Arthur was a strong campaigner and supporter of former Governor Joe Brennan and others. Their children spent many late evenings on the campaign trail with their parents.

I regret that I did not know Arthur Stilphen but for a short time. He led such a rich and interesting life and was such a hard working public servant; I know he would have been a most cherished acquaintance.

I want to thank Brenda, his wife, and Vicki and Richard, his children, for sharing him with Maine citizens all those years as a devoted legal servant, park ranger, commissioner, store owner, and tireless campaigner for the Democratic Party. He will be missed.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. It saddens me to hear of the passing of Commissioner Stilphen. I had the opportunity to work for Commissioner Stilphen in 1979, in the State Police. He was my first civilian commissioner. I can say that I only knew him as a subordinate and superior, but, when you were in his presence, he was a gentle man, he was a friendly man, and he always gave you the feeling that he was confident and competent in what he was doing. I appreciated that opportunity to work under him, though I did not know him very well personally, I respected him as a leader, and I can tell you that he never once asked me, as a trooper, what my political affiliation was. I'm saddened by his passing. Thank you.

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

Representative **CROCKETT**: Thank you, Madam Speaker. I just wanted to stand to offer my sincere sympathy to Arthur's wife, Brenda, and his daughter, Vicki, and his entire family.

I did have the pleasure of working with Arthur on many political campaigns, and, when I say pleasure, it was exactly that. Arthur was certainly one of the hardest working people that I ever knew.

I can remember Arthur's little car. He'd drive up, maybe six o'clock in the morning, or it might be eleven o'clock at night, and his car was always full of McDonald's wrappers and all that good food that his wife didn't really want him to eat, but Arthur found that was all he had time for on the campaign trail. No matter how hard you were working for a candidate, you could always find that Arthur was right there, even though he was in charge of the campaign, he was out there working just as hard as all the volunteers were working. I truly enjoyed my time that I had with Arthur and enjoyed his family and appreciate all of their sharing of Arthur with everyone else. Thank you.

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

First Day

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

(H.P. 485) (L.D. 702) Bill "An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 362) (L.D. 517) Bill "An Act To Authorize the Employment of Animal Control Officers by Animal Shelters" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 372) (L.D. 527) Bill "An Act To Require a Referee of a Land Dispute To Render a Decision within One Year" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 632) (L.D. 914) Bill "An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 797) (L.D. 1158) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

(H.P. 809) (L.D. 1170) Bill "An Act To Ensure the Accuracy of Maine Election Results" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

(H.P. 856) (L.D. 1236) Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds (EMERGENCY) Joint Select Committee on **MAINE'S ENERGY FUTURE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)**

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:

(S.P. 62) (L.D. 176) Bill "An Act To Equitably Adjust the Workers' Compensation Board's Assessment"

(S.P. 342) (L.D. 892) Bill "An Act To Improve Assistance for Technology-based Entrepreneurs"

(S.P. 427) (L.D. 1155) Bill "An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines"

(S.P. 67) (L.D. 181) Bill "An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements" (C. "A" S-67)

(S.P. 70) (L.D. 220) Bill "An Act To Increase the Availability of Solar and Wind Power" (C. "A" S-90)

(S.P. 85) (L.D. 244) Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY) (C. "A" S-65)

(S.P. 94) (L.D. 277) Bill "An Act To Eliminate the Income-producing Requirement for Land in the Farm and Open Space Tax Program" (C. "A" S-89)

(S.P. 99) (L.D. 303) Bill "An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season" (C. "A" S-88)

CONSENT CALENDAR

(S.P. 100) (L.D. 304) Resolve, To Establish a Commission To Support, Preserve and Maintain Maine Monuments in Gettysburg, Pennsylvania (C. "A" S-84)

(S.P. 140) (L.D. 398) Bill "An Act To Transfer Ownership and Management of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County to the Department of Conservation" (C. "A" S-66)

(S.P. 161) (L.D. 458) Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Recommendations for Licensing Equine Boarding Facilities (C. "A" S-70)

(S.P. 165) (L.D. 462) Bill "An Act To Amend the Retail Tobacco and Liquor Licensing Laws" (C. "A" S-83)

(S.P. 236) (L.D. 620) Bill "An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association" (C. "A" S-85)

(S.P. 260) (L.D. 685) Bill "An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps" (C. "A" S-64)

(S.P. 298) (L.D. 771) Bill "An Act To Allow Certain Organizations To Hold Raffles" (EMERGENCY) (C. "A" S-81)

(S.P. 314) (L.D. 806) Bill "An Act To Authorize Fuel Cost Stabilization Funds To Be Established in School Administrative Units" (C. "A" S-92)

(S.P. 367) (L.D. 984) Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System (C. "A" S-93)

(S.P. 369) (L.D. 986) Bill "An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury" (C. "A" S-91)

(H.P. 759) (L.D. 1104) Bill "An Act To Require the Convening of the Professional Standards Board" (EMERGENCY)

(H.P. 186) (L.D. 232) Bill "An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions" (C. "A" H-186)

(H.P. 591) (L.D. 860) Bill "An Act Relating to Geothermal Heat Exchange Wells" (C. "A" H-177)

(H.P. 622) (L.D. 904) Bill "An Act To Permit Brew Pubs To Sell Half-gallon Containers of Malt Liquor" (C. "A" H-181)

(H.P. 698) (L.D. 1010) Resolve, To Require the Department of Environmental Protection To Review Its Rules Regarding Incinerators (C. "A" H-178)

(H.P. 782) (L.D. 1138) Resolve, To Provide Assistance to Private Sellers of Firearms (C. "A" H-180)

(H.P. 789) (L.D. 1145) RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Time Frame for Towns To Certify Citizen Initiative and People's Veto Signatures (C. "A" H-176)

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 Provide Free Admission to State Parks to Veterans and Military Personnel"

(S.P. 159) (L.D. 456)
(C. "A" S-69; S. "A" S-74)

Bill "An Act To Add 2 Mental Health Advocates to the State Board of Corrections"

(S.P. 181) (L.D. 478)
(C. "A" S-76)

Senate as Amended in Non-Concurrence

Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing"

(S.P. 209) (L.D. 549)
(H. "A" H-179 to C. "A" S-75)

House as Amended

Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

(H.P. 129) (L.D. 150)
(C. "A" H-182)

Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

(H.P. 695) (L.D. 1007)
(C. "A" H-184)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and in non-concurrence and sent for concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Calculate the School Year by Number of Hours

(S.P. 86) (L.D. 245)
(C. "B" S-32)

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. 136 voted in favor of the same and 3 against, and accordingly the Bill was **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**.

Emergency Measure

An Act To Clarify Guaranteed Fund Protection for Deferred Compensation Accounts

(S.P. 132) (L.D. 390)
(C. "A" S-58)

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. 140 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 Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care

(S.P. 142) (L.D. 400)
(C. "A" S-57)

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. 136 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 Concerning the Automatic Dissolution of Certain Marriages

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

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. 134 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 Allow School Budget Validation Referenda To Be Held on a Saturday

(H.P. 481) (L.D. 698)

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. 139 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 Amend the Charter of the Tenants Harbor Standard Water District

(S.P. 331) (L.D. 883)
(C. "A" S-53)

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 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 Amend the Provision Creating the Long-term Care Partnership Program

(H.P. 688) (L.D. 1000)
(C. "A" H-86)

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. 138 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 Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 378) (L.D. 1014)
(C. "A" S-54)

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. 138 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 Correct Administrative Procedures Regarding the Dental Care Access Credit

(H.P. 840) (L.D. 1215)

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. 139 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 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal

(H.P. 239) (L.D. 299)

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. 131 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Transportation To Secure Funding To Complete the Aroostook North-South Highway Project

(S.P. 283) (L.D. 736)
(C. "A" S-60)

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

On motion of Representative PIOTTI of Unity, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Fund the Maine Downtown Center

(H.P. 75) (L.D. 91)
(C. "A" H-91)

An Act To Amend the Laws Governing Tournament Games

(H.P. 158) (L.D. 193)
(C. "A" H-84)

An Act Regarding the Transfer of Nursing Facilities

(H.P. 198) (L.D. 252)
(C. "A" H-89)

An Act Creating a Probationary Period for County Corrections Officials

(H.P. 297) (L.D. 401)
(C. "A" H-81)

An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes

(H.P. 311) (L.D. 423)
(C. "A" H-88)

An Act To Amend Certain Laws Administered by the Department of Environmental Protection

(S.P. 179) (L.D. 476)
(C. "A" S-56)

An Act To Allow the Department of Corrections To Certify Community Intervention Programs

(H.P. 343) (L.D. 481)
(C. "A" H-79)

An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections (H.P. 345) (L.D. 483) (C. "A" H-82)

An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens (H.P. 369) (L.D. 524) (C. "A" H-87)

An Act Regarding Liquor Licenses Issued to Incorporated Civic Organizations (H.P. 377) (L.D. 532) (C. "A" H-96)

An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds (H.P. 384) (L.D. 539) (C. "A" H-93)

An Act To Amend the Petroleum Market Share Act (H.P. 404) (L.D. 566) (C. "A" H-69)

An Act To Strengthen the Board of the Maine Insurance Guaranty Association (S.P. 231) (L.D. 616) (C. "A" S-59)

An Act To Enable the Use of Credit Cards for Governmental Transactions (H.P. 498) (L.D. 715) (C. "A" H-100)

An Act To Require Closed-captioning for Certain Political Advertisements (H.P. 530) (L.D. 779) (C. "A" H-97)

An Act To Improve Juvenile Correctional Services (H.P. 542) (L.D. 793) (C. "A" H-80)

An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities (H.P. 580) (L.D. 844) (C. "A" H-85)

An Act To Improve the Health of Maine Citizens and Safety of Pedestrians (H.P. 593) (L.D. 862)

An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions (H.P. 635) (L.D. 917)

An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies (H.P. 704) (L.D. 1029) (C. "A" H-76)

An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators (S.P. 480) (L.D. 1334)

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.

Resolves

Resolve, Directing the State Tax Assessor To Work with Local Law Enforcement Agencies To Improve Tax Collection and Enforcement along the Border of the State (H.P. 30) (L.D. 35) (C. "A" H-73)

Resolve, To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts (S.P. 226) (L.D. 611) (C. "A" S-55)

Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies (H.P. 505) (L.D. 722) (C. "A" H-99)

Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students (H.P. 508) (L.D. 749) (C. "A" H-95)

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

An Act To Facilitate Lactation at the Workplace by New Mothers (H.P. 280) (L.D. 373) (C. "A" H-83)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 46

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, 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, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, 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 - Browne W, Carey, Cleary, Joy, Pratt, Sanborn.
Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was **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 yesterday, 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-170)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters (H.P. 202) (L.D. 256)

TABLED - April 29, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-170)** was **READ** by the Clerk and **ADOPTED.**

The Resolve was assigned for **SECOND READING** Tuesday, May 5, 2009.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-159)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Maine Children's Growth Council" (EMERGENCY) (H.P. 671) (L.D. 969)

TABLED - April 29, 2009 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-159)** was **READ** by the Clerk and **ADOPTED.**

The Bill was assigned for **SECOND READING** Tuesday, May 5, 2009.

SENATE PAPERS

The following Joint Order: (S.P. 546)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 5, 2009 at 10:00 in the morning.

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

Bill "An Act To Ensure Fair Calculation of Severance Pay for Maine Workers" (EMERGENCY)

(S.P. 547) (L.D. 1469)

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

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

CONSENT CALENDAR

First Day

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

(H.P. 140) (L.D. 161) Bill "An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the

Maine Mentoring Partnership Grant Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 447) (L.D. 633) Bill "An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)**

(H.P. 733) (L.D. 1066) Bill "An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)** on Bill "An Act To Amend the Licensing Requirements for Marriage and Family Therapists"

(H.P. 668) (L.D. 966)

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York

Representatives:

SMITH of Monmouth
WRIGHT of Berwick
MacDONALD of Boothbay
HUNT of Buxton
CLEARY of Houlton
MARTIN of Orono
COHEN of Portland

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

Signed:

Senator:

RECTOR of Knox

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-198)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 5, 2009.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Members of the Armed Forces Who Are Not Residents but Own Property in this State To Obtain Resident Hunting and Fishing Licenses or Permits"

(H.P. 470) (L.D. 656)

Signed:
Senators:
BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:
CLARK of Millinocket
SHAW of Standish
EBERLE of South Portland
WHEELER of Kittery
DAVIS of Sangerville
SARTY of Denmark

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)** on same Bill.

Signed:
Representative:
McLEOD of Lee

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Protect Moose Populations and Hunting Opportunities"
(H.P. 706) (L.D. 1031)

Signed:
Senators:
BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:
CLARK of Millinocket
BRIGGS of Mexico
SHAW of Standish
DAVIS of Sangerville
McLEOD of Lee
SARTY of Denmark
CRAFTS of Lisbon
SAVIELLO of Wilton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)** on same Bill.

Signed:
Representative:
EBERLE of South Portland

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)** on Bill "An Act To Amend the Laws Concerning Campaign Report Exemptions"

Signed:
Senators:
SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:
BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TUTTLE of Sanford
FITTS of Pittsfield
NASS of Acton
RUSSELL of Portland
TRINWARD of Waterville

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

Signed:
Representative:
CAREY of Lewiston

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-188)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 5, 2009.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)** on Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"
(H.P. 568) (L.D. 832)

Signed:
Senators:
SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

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

Signed:
Representatives:
BEAULIEU of Auburn
FITTS of Pittsfield

READ.

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just for the benefit of the members of the House, this bill is essentially a requirement for lobbyists to wear name tags. It was severely watered down from where it started, but, in the end, this is a requirement that has no penalty, and the reason why I am on the Minority Report of this bill is because I don't see any need of us passing laws that have no purpose and no penalty for noncompliance. I felt it was a better place to be placed in the Rules of the House or at least in the Joint Rules, so for that reason, I will not be supporting this motion. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 47

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark T, Cohen, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Giles, Hamper, Hanley, Harvell, Johnson, Joy, Knight, Lewin, MacDonald, McFadden, McLeod, Millett, Nutting, Pieh, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Thomas, Tilton, Weaver.

ABSENT - Cleary, Pratt, Sanborn.

Yes, 99; No, 49; Absent, 3; Excused, 0.

99 having voted in the affirmative and 49 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-189)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 5, 2009.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)** on Bill "An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages"

(H.P. 912) (L.D. 1309)

Signed:

Senators:

SULLIVAN of York

PLOWMAN of Penobscot

GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn

CORNELL du HOUX of Brunswick

PINKHAM of Lexington Township

TRINWARD of Waterville

TUTTLE of Sanford

FITTS of Pittsfield

CAREY of Lewiston

NASS of Acton

RUSSELL of Portland

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

Signed:

Representative:

VALENTINO of Saco

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-190)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 5, 2009.

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

On motion of Representative JONES of Mount Vernon, the House adjourned at 11:20 a.m., until 10:00 a.m., Tuesday, May 5, 2009 pursuant to the Joint Order (S.P. 546) and in honor and lasting tribute to Arthur A. Stilphen, of North Belgrade.