

MAINE STATE LEGISLATURE

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

Volume II

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May 28, 2009 – June 12, 2009

Second Regular Session

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 12, 2010

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

Prayer by Pastor William Humphrey, St. Mark's United Methodist Church, Kittery.
National Anthem by Susie Stauble, Gray.
Pledge of Allegiance.
Doctor of the day, Richard Flowerdew, M.D., Falmouth.

At this point, the Speaker recognized the Representative from Bucksport, Representative ROSEN, and she was added to the quorum call of the Second Regular Session of the 124th Legislature.

The Journal of Thursday, January 7, 2010 was read and approved.

SENATE PAPERS

Bill "An Act To Strengthen the Ballot Initiative Process"
(S.P. 662) (L.D. 1730)

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.

COMMUNICATIONS

The Following Communication: (H.C. 247)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

January 6, 2010
Honorable John E. Baldacci
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Baldacci:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 124th Maine Legislature on Thursday, January 21st at 7:00 p.m.

We look forward to seeing you then.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 248)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, ME 04333-0001**

January 6, 2010
The Honorable Elizabeth H. Mitchell
President of the Senate
Augusta, Maine 04333
The Honorable Hannah M. Pingree

Speaker of the House
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

I am pleased to accept your invitation to deliver the State of the State Address at a Joint Session of the 124th Maine Legislature on Thursday, January 21, 2010, at 7:00 PM.

I look forward to seeing you then!

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 250)

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

January 7, 2010

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 (l) (a), I have reappointed Representative Michael Celli of Brewer as a member of the Joint Standing Committee on State and Local Government and am rescinding the temporary appointment of Representative William P. Browne of Vassalboro.

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

Sincerely,
S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 251)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, ME 04333-0001**

January 7, 2010

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

Dear Speaker Pingree:

In accordance with 38 M.R.S.A. section 341-C(5), this letter serves notice to the Legislature that it is necessary to extend the term of Ms. Nancy Ziegler as a member of the Board of Environmental Protection to ensure fair consideration of the following matter: Appeal of Designation of Uncontrolled Hazardous Substance Site and Order for the HoltraChem site in Orrington, Maine. This complex proceeding is well underway, and Ms. Ziegler's continued participation is critical to the Board's consideration of the matter.

Ms. Ziegler's term is extended from January 30, 2010 until final Board action on the above-cited matter.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 249)

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

January 12, 2010

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 Health and Human Services has approved the request by the sponsor, Representative Treat of Hallowell, to report the following "Leave to Withdraw":

L.D. 1262 An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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:

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Allow a Municipality To Withdraw from a Regional School Unit"

(H.P. 1230) (L.D. 1732)

Sponsored by Representative MILLER of Somerville.

Cosponsored by Senator ROSEN of Hancock and Representatives: CAIN of Orono, CONNOR of Kennebunk, MacDONALD of Boothbay, MILLETT of Waterford, NUTTING of Oakland, SCHATZ of Blue Hill, Senator: RAYE of Washington.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization" (EMERGENCY)

(H.P. 1231) (L.D. 1733)

Sponsored by Representative O'BRIEN of Lincolnville.

Cosponsored by Senator RECTOR of Knox and Representatives: PIEH of Bremen, PRATT of Eddington, WELSH of Rockport, Senator: WESTON of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009" (EMERGENCY)

(H.P. 1232) (L.D. 1734)

Sponsored by Representative O'BRIEN of Lincolnville.

Cosponsored by Senator RECTOR of Knox and Representatives: EDGECOMB of Caribou, PIEH of Bremen, PRATT of Eddington, WELSH of Rockport, Senator: WESTON of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs" (EMERGENCY)

(H.P. 1233) (L.D. 1735)

Sponsored by Representative ROTUNDO of Lewiston.

Cosponsored by Representative WAGNER of Lyman, Senator CRAVEN of Androscoggin and Representatives: BEAULIEU of Auburn, BICKFORD of Auburn, CAREY of Lewiston, LAJOIE of Lewiston, WAGNER of Lewiston.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Amend the Bingo Laws"

(H.P. 1229) (L.D. 1731)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SULLIVAN of York and Representatives: BEAULIEU of Auburn, BLANCHARD of Old Town, KRUGER of Thomaston, PRIEST of Brunswick, RUSSELL of Portland, STEVENS of Bangor, TRINWARD of Waterville, TUTTLE of Sanford.

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

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

ORDERS

On motion of Representative HASKELL of Portland, the following Joint Order: (H.P. 1234)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the House, a bill regarding the sex offender registration and notification laws.

READ and **PASSED.**

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Dwight "Lib" Libby Sr., of Freeport, who served as fire chief from 1977 to 1983. Known as a good man, an excellent leader and a devoted grandfather, Fire Chief Libby believed wholeheartedly in serving the community and he loved being a firefighter. A former Freeport High School athlete, Fire Chief Libby married Victoria Golding and together they raised 2 sons in Freeport, who both eventually became junior and full volunteer firefighters in Freeport. After retiring as fire chief, he continued as a firefighter and was active in the Freeport Fire Company. We acknowledge Fire Chief Libby's dedicated career as a firefighter and as a family man. He will be greatly missed and long remembered by his loving family and his grateful community;

(HLS 832)

Presented by Representative WEBSTER of Freeport.

Cosponsored by Senator GERZOFKY of Cumberland.

On **OBJECTION** of Representative WEBSTER of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **JUDICIARY** on Bill "An Act To Protect Confidential Consumer Records in Self-service Storage Facilities"

(S.P. 577) (L.D. 1499)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1177) (L.D. 1668) Bill "An Act To Implement the Recommendations of the Initiative To Streamline State Government" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-585)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is on the Consent Calendar because it was a unanimous report of the Appropriations Committee. My hope and what I would ask all of you today is to let it go to the other body, planning any debate and any roll calls on the bill for Thursday, which, of course, we are willing to do and happy to do. If you have any questions, please let me know. Thank you, Madam Speaker.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-585)** and sent for concurrence.

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

On motion of Representative **FINCH** of Fairfield, the House adjourned at 10:45 a.m., until 10:00 a.m., Thursday, January 14, 2010.