

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
SECOND REGULAR SESSION
10th Legislative Day
Thursday, February 4, 2010

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

Prayer by Reverend Garvey MacLean, Scarborough (retired).
National Anthem by Dirigo High School Band, Dixfield.

Pledge of Allegiance.

Doctor of the day, Denise Anderson, D.O., Rockport.

The Journal of Tuesday, February 2, 2010 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 269)

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

February 4, 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 following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Criminal Justice and Public Safety

L.D. 1590 An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety

Legal and Veterans Affairs

L.D. 1629 An Act To Streamline Wine Registration Requirements

Marine Resources

L.D. 1331 An Act Regarding Saltwater Recreational Fishing

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.**

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 Include All Children in the Conditions of Education Report"

(H.P. 1261) (L.D. 1771)

Sponsored by Representative EVES of North Berwick.

Cosponsored by President MITCHELL of Kennebec and Representatives: BERRY of Bowdoinham, HUNT of Buxton, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of Portland, Senator: MILLS of Somerset.

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

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Extend Access to Federal Health Insurance Premium Assistance" (EMERGENCY)

(H.P. 1259) (L.D. 1769)

Sponsored by Representative TREAT of Hallowell. (GOVERNOR'S BILL)

Cosponsored by Senator BOWMAN of York.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Extend the Temporary Reduction in High-stakes Beano License Fees" (EMERGENCY)

(H.P. 1260) (L.D. 1770)

Sponsored by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator SULLIVAN of York and Representatives: SOCTOMAH of the Passamaquoddy Tribe, TARDY of Newport, Senator: SCHNEIDER of Penobscot.

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

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1255) (L.D. 1765)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Corrections

Representative HASKELL for the **Department of Corrections** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

(H.P. 1256) (L.D. 1766)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Health and Human Services

Representative PERRY for the **Department of Health and Human 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, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1257) (L.D. 1767)

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 Professional and Financial Regulation

Representative TREAT for the **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 1258) (L.D. 1768)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL 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 TREAT of Hallowell, the following Joint Order: (H.P. 1262)

ORDERED, the Senate concurring, that the Joint Select Committee on Health Care Reform Opportunities and Implementation is established as follows.

1. Joint Select Committee on Health Care Reform Opportunities and Implementation established. The Joint Select Committee on Health Care Reform Opportunities and Implementation, referred to in this order as "the committee," is established.

2. Membership. Notwithstanding Joint Rule 353, section 5, the committee consists of 17 members, appointed as follows:

A. Five members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature and with preference to members of the Joint Standing Committee on Insurance and Financial Services, Joint Standing Committee on Health and Human Services and Joint Standing Committee on Appropriations and Financial Affairs; and

B. Twelve members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature and with preference to members of the Joint Standing Committee on Insurance and Financial Services, Joint Standing Committee on Health and Human Services and Joint Standing Committee on Appropriations and Financial Affairs.

3. Committee chairs. The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. Appointments; convening of committee. All appointments must be made by May 20, 2010. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which may not be held before May 20, 2010. If by May 20, 2010 a majority but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business.

5. Duties. The committee shall study any federal health care reform legislation enacted by the United States Congress and determine the State's opportunities for health care reform and the State's role in implementation of federal legislation. In examining these issues, the committee shall consider:

A. The impact of federal legislation on existing state law and programs that provide access to health care to residents of this State;

B. The role of the State in the implementation and oversight of a health insurance exchange;

C. The opportunity for the State to conduct pilot projects, including, but not limited to, pilot projects related to cost containment, payment reform, use of health care technology or health care coverage, with federal funding;

D. The impact of federal legislation on the State's MaineCare program;

E. How federal legislation affects the ability of the State to adopt a system of universal health care through a single-payer plan or other mechanism, including the use of Medicare, MaineCare and other state money to provide funding for universal health care in the State; and

F. Any other issue related to implementation of the federal legislation.

If federal legislation is not enacted, the committee shall consider any other issue related to the State's options for health care reform.

6. Consultation with stakeholders. The committee shall consult with stakeholders including the Governor's Office of Health Policy and Finance; the Department of Health and Human Services; the Department of Professional and Financial Regulation, Bureau of Insurance; health insurance companies; hospitals; health care providers; business and labor representatives; and advocates for health care reform.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

8. Report. No later than November 3, 2010, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 125th Legislature.

READ.

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

Representative **TREAT**: Thank you, Madam Speaker. Just briefly for the House, this Joint Order comes out of the Insurance and Financial Services Committee. It is the unanimous vote, 13-0, of our committee to move forward with a committee to look at implementing any and all health insurance and health reform measures that may or may not come down from the Federal Government, and we urge your approval of it.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 36)

ORDERED, that Representative Stephen R. Beaudette of Biddeford be excused January 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheryl J. Briggs of Mexico be excused January 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative H. Sawin Millett, Jr. of Waterford be excused January 12 and 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joan M. Nass of Acton be excused January 12, 14, 19 and 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused January 28 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Nancy E. Smith of Monmouth be excused January 28 for legislative business.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Dirigo High School Football Team, who won the State Class C Championship: Nick Young, Brandon Jonaitis, Brett Whittemore, Eric Bolduc, Nic Crutchfield, Bryan Blackman, Spencer Ross, Ben Holmes, Chad Oakes, Mike Smith, Justin Dowland, Evan Seavey, Cody Chiasson, Justin Jasper, Mitch Lemay, Caleb Hall, Tyler Chiasson, Jacob Weston, Mason Cote, Ben Dolloff, Holt McCollister, Jake Dowland, David Guildford, Thomas Barnett, Cliff Boynton, Cody Houghton, Chad Cormier, Brodie Thompson, Aaron Libby, John Calden, Alex Snowman, Arik Fenstermacher, Doug Swan, Joe Pelote, Zach White, Reilley Lombardi, Kyle Hutchinson and Alex Miele and coaches Doug Gilbert, David Crutchfield, Dana Whittemore and Lou Bran. The team had an undefeated season. This is the team's 5th state championship and the first since 1975. We congratulate the team members and coaches on this achievement;

(HLS 860)

Presented by Representative BRIGGS of Mexico.
Cosponsored by Senator GOOLEY of Franklin, Senator BRYANT of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I know that Super Bowl Sunday is coming up this week and in anticipation that it's a game that we have all been waiting for. With football being my favorite sport, unfortunately, my favorite NFL team, the New England Patriots and Tom Brady will not be playing.

But, it gets better. I stand before you today with great pride to proudly acknowledge our own State of Maine Super Saturday that was held on November 21, 2009. That was the day when House District 93's Dirigo High School Football Team won the State Class C Football Championship game. The Dixfield Dirigo Cougars won previously undefeated Foxcroft Academy 37 to 20. Dirigo lived by their big play throughout the season and that trend continued on into the championship game. The Cougars high-scoring offense had scored over 400 points this season, including 97 points in the regional three playoff games. And without the Cougar defense this would not have been possible.

Dirigo capped an undefeated perfect season with its first title since 1975. It's been a quick turnaround for the Class C football state championship team as Dirigo only brought back their football program seven years ago, back in 2003. In the end, it was a perfect day for the perfect team. Congratulations to Dirigo High School Class C State Football Champions. Thank you, Madam Speaker.

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

Recognizing:

Nic Crutchfield, of Carthage, a senior at Dirigo High School in Dixfield and quarterback of its state Class C championship football team, who is the recipient of the *Lewiston Sun Journal's* All-Area Player of the Year award. He is also the recipient of the John Taglienti Award as the Most Valuable Player of the Class C division in the Campbell Conference and was one of the 3 finalists for the James J. Fitzpatrick Trophy, presented each year to the outstanding senior football player in the State. We extend our congratulations to Nic on his receiving these well-deserved honors and we send him our best wishes on his future endeavors;

(HLS 861)

Presented by Representative BRIGGS of Mexico.
Cosponsored by Senator GOOLEY of Franklin, Senator BRYANT of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, again, stand before you today with great pride to proudly acknowledge the outstanding athlete, Nic Crutchfield, from Carthage. Nic is a senior at Dirigo High School in Dixfield and quarterback of its state Class C championship football team. In Maine's Super Saturday championship game on November 21, 2009, Nic was 12-for-23 through the air for 256 of Dirigo's 402 total yards and three touchdowns. That was the day when Captain Nic Crutchfield led Dirigo High School football team on to win the state Class C football championship game. The Cougars won previously undefeated Foxcroft Academy 37-20.

Because of Mr. Crutchfield's numerous accomplishments, he has won many awards. He was the recipient of the *Lewiston Sun Journal's* All-Area Player of the Year award. He is also the

recipient of the John Taglienti Award as the Most Valuable Player of the Class C division in the Campbell Conference. The star quarterback was equally dangerous on defense and dynamite all season long to win this award. Nic was also one of the three finalists for the James J. Fitzpatrick Trophy, presented each year to the outstanding senior football player in the State.

In the end, again, it was a perfect day for the perfect team, and the perfect player. Congratulations, Nic Crutchfield. Thank you, Madam Speaker.

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

HARLOW of Portland
CAREY of Lewiston

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

Signed:

Representatives:

HOGAN of Old Orchard Beach
BROWNE of Vassalboro
ROSEN of Bucksport
THOMAS of Ripley
CEBRA of Naples

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Educational Requirements for Eligibility for Examination for Licensure as a Certified Public Accountant"

(S.P. 604) (L.D. 1597)

Signed:

Senators:

SCHNEIDER of Penobscot
RECTOR of Knox

Representatives:

SMITH of Monmouth
WRIGHT of Berwick
AUSTIN of Gray
MacDONALD of Boothbay
HUNT of Buxton
PRESCOTT of Topsham
CLEARY of Houlton
MARTIN of Orono
GILES of Belfast
COHEN of Portland

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

Signed:

Senator:

SULLIVAN of York

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative HUNT of Buxton, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-603)** on Bill "An Act To Provide for the Safety of Maine Athletes"

(H.P. 1168) (L.D. 1640)

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska

READ.

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

Representative HOGAN of Old Orchard Beach **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 Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I somewhat reluctantly rise in opposition to the motion. Representative Carey, I consider a friend, and I'm sure put this bill forward in very good intentions, but I have some grave concerns about the safety issues surrounding it all. If this bill does pass, first of all, this bill talks about roller skiers and their ability to use the roads as a training ground. If this bill does pass, let me just back up a little bit more. The bill asks that the roller skiers have the same rights and privileges as a bicyclist, as we passed last year or the year before, and if this bill does pass, then things remain the same. By that I mean they will still be able to use the road. But if this bill doesn't pass, I said that wrong. If this bill doesn't pass, they will be able to use the roads. If this bill does pass, then you would have to understand that the drivers are liable for what happens on the side of the road. Already there has been one person killed due to roller skating and I don't know what the circumstances was but that was unfortunate. But this bill has no restrictions of age. This bill centered around Nordic skiers, that was most of the discussion, and their ability to use the roads as a training ground.

I feel that the drivers in the State of Maine have to deal with a number of issues. They have to deal with, obviously, driving the automobile in a safe and respectful manner, but they also have to understand that there are walkers on the side of the road, there are runners on the side of the road and there are bicycles on the side of the road, and now they want to add roller skiers to the side of the road. This is not a precedent because we've also already established that bicycles have some rights and privileges. But there are other derivatives that probably would be forthcoming, that may be inline skating or something of that nature. But I have to revert back to the statement that was made by the Senate Chair, Senator Damon, when he said to us we, Transportation Committee, are responsible for safety on the roads. Well, that's true but aren't we all responsible for that? But if that truly is a concern, then you have to be concerned about this issue of making drivers more liable than they already are.

There is a minor fiscal note to this bill. The bill called for 10 signs, \$250 a piece by DOT. I looked at that and I say if this is a statewide bill that's ridiculous. You're going to have to have many hundreds of signs throughout the state, so that's kind of, I

don't want to say silly, but it's going to be impacted greatly, that fiscal note. So that's my concerns.

As you know, I live in southern Maine. It may not be that much of a concern to rural Maine because of the obvious impact that we have during the summer seasons and the congestion down there, but it should be. You've got a lot of windy roads in rural Maine. There is no age restriction. That is bothersome too that a family, a dad and a mom or a dad and his young child, could get out there on the road and now I'm responsible for him to stay upright and whatever else may happen. So that is kind of what I'm concerned about. The main issue with me is safety. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We all know better than to send our children out into the road to play, yet that's just what this bill does and there will be one more obstacle for a motorist to get around, as if the potholes and ruts and bumps on our rural roads aren't enough. Roller skiers aren't going to be able to use the soft shoulder. Unlike a bicycle, the wheels are small and when the shoulder is sandy, how are they going to get out of the way? And if you've got two heavy trucks, heaven forbid if one's a wide load, meet on a rural road, how are they going to keep from running over one of these people? Then it becomes their fault. Skiers need a place to train but not on our public highways. And the Representative from Old Orchard is right, there is no age restriction. It can be young children out there that don't know any better than to ski in front of a truck. What are they going to do? The only restriction on the roads are that it can't be done on divided highways. Our motorists are having a hard time enough staying safe on the roads that we have. We don't need to add one more problem for them to try to deal with. I ask you to please vote against this bill for the safety of those children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. Again, I, like as the two previous speakers, are opposed to this bill on grounds, I'm really concerned about the safety. Now there's not much doubt that these roller skiers are going to be older, more skilled athletes. I think it might expand though; the popularity might expand to younger and more irresponsible athletes. As has been said, some of our roads with paved shoulders would be okay for this training. But other rural roads, especially if they are crowded, would be very unsafe. I'm afraid that this bill would give the roller skiers a false sense of safety. I'm afraid the liability issues, which have already been mentioned, and I'm afraid that liability will be transferred to these taxpaying motorists. Finally, it is a college town issue. Here's where you have most of these Nordic skiers practicing, and I'm very troubled with the fact that they're using the roads as a practice area at the expense of the traveling public, and I'm afraid I just can't be convinced that it would be a safe circumstance.

Then one final point, I'm just afraid that if this is allowed, why we're going to have an expansion of uses. Right now we have pedestrians walking, but at least they are facing the traffic. These roller skiers would be back to the traffic, they wouldn't be able to see the oncoming vehicles, and then is it going to expand to roller blades and skateboards. So again, I think we need some type of a practice area or some type of a change for these skilled Nordic athletes to train, but I'm afraid I can't go along with using our public highways. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative **CURTIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I also rise to oppose this bill, and I oppose it from the safety issue of more rural Maine than urban Maine. In rural Maine, we're fortunate to have a paved road, if we call it a paved road. Those roads are consistent with a gravel shoulder, if in fact they have a gravel shoulder, and when you ask an approaching motorist to give room to a bicyclist or a skier, you're asking that motorist to literally cross over the center line of the road. I know there are certain distances, three feet for the bicyclist and probably three feet for this law, but think about the situation that you put the motorist in. The biker or the skier cannot see the vehicle coming up from behind them so he or she is left out there by themselves, so it's automatic for the motorist to want to give them the room that is necessary for a safe travel by, and that automatically puts them across the center line of most rural roads. If you measure the distance from the center line to the edge of the pavement on most of these roads, you will find that there are 10, maybe 11 feet. So it's automatic, it's our natural instincts as drivers to give as much room as we possibly can to the person whom we want to pass, and automatically you're going across the center line. Very dangerous, very dangerous. I'd urge you to vote against the motion on the floor.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. I'm on the Ought to Pass Report on this bill and I live in an area where the skiers, the roller skiers, are out on the roads. Yes, it is a safety question, but we have to realize that these people that are out there doing this are people that are not just like myself, who couldn't do this even if I put the skis on today and tried to do it. These are people who have the ability and the understanding of what they are doing. As it is today, they can go down the road with no questions asked. What this does is give a direction, as somebody who is coming up on a skier, to get over to the side or slow down or give them some opportunities. This is an economic situation for our area because we have them in Madawaska, in Frenchville, in Fort Kent, Presque Isle and the top of Maine. I realize there are questions on safety but those, we have to address in this sense, and maybe an education process will come out of this for those people. I understand that Representative Carey is not here today so I'm standing to speak on his behalf, and I believe that I'd like to see a positive vote on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative **PEOPLES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's really pretty simple. If we don't pass this particular bill nothing changes. The roller skiers will still be on the road, drivers will be just as liable for taking one out. If we pass the bill, it puts into statute their legal responsibilities as users of the road which I would argue, if anything, reduces the liability of the motorist because they are covered under statute by the rules of the road. If this bill was to ban them from our highways, that would be a different issue, but it's not. The fact of the matter is they are going to be there and it's only sane and rational to require them to follow the same rules of the road as any other user. Thank you very much.

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. This bill basically provides an opportunity for the roller skiers to obey the law. Right now they go out and they can do anything they want

on the roads. This bill will have them follow the same rules that bicycles have to follow. Maine, as you know, is a leader in Nordic skiing and it's centered in the County. I don't think you're going to see, if we pass this law, our highways all of the sudden cluttered with roller skiers. It doesn't include rollerblades or skateboards or things along that line. It deals strictly with roller skiers. The biathlon is the world's largest winter sport in Maine. We host a world event. It's a training facility. We have young people who are involved, who are becoming Nordic skiers. It's an economic incentive in Maine, we need all the economic tools we can get, and this is just simply allowing these people to train on our roads following the same exact rules that bicyclists follow.

I heard someone mention the fact that they can't roller ski on gravel. Well, that may be true but they can get off the road if it's a tight situation. This gives them the opportunity to follow the rules of the road, to be safer and it also makes motor vehicles more aware of them. So I think that it's a situation where we need this type of thing if we're going to be a state that leads our country in Nordic skiing. It shows that we support our athletes and our young people. I would hope that you would pass this bill. 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. 257

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Blanchard, Blodgett, Browne W, Burns, Casavant, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Gifford, Greeley, Hamper, Harvell, Hogan, Johnson, Joy, Langley, Lewin, Magnan, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Sarty, Schatz, Sykes, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Carey, Flaherty, Richardson W, Shaw, Tardy, Watson.

Yes, 91; No, 54; Absent, 6; Excused, 0.

91 having voted in the affirmative and 54 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-603)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, February 9, 2010.

CONSENT CALENDAR

First Day

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

(S.P. 603) (L.D. 1596) Bill "An Act Regarding Mobile Service Bars at Municipal Golf Courses" Committee on **LEGAL AND**

VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-352)

(H.P. 1137) (L.D. 1609) Bill "An Act To Expand the Use of Ignition Interlock Devices" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass**

(H.P. 1150) (L.D. 1622) Bill "An Act To Make Technical Changes to the Laws Governing the Practice of Law" Committee on **JUDICIARY reporting Ought to Pass**

(H.P. 75) (L.D. 91) Bill "An Act To Fund the Maine Downtown Center" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "B" (H-607)**

(H.P. 1107) (L.D. 1570) Bill "An Act To Amend the Laws Governing the We Support Our Troops Registration Plates" Committee on **TRANSPORTATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-606)**

(H.P. 1208) (L.D. 1707) Bill "An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-604)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 473) (L.D. 659) Bill "An Act To Remove the Sales Tax on Watercraft" (C. "B" H-597)

(H.P. 997) (L.D. 1421) Bill "An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries" (C. "A" H-602)

(H.P. 1005) (L.D. 1449) Bill "An Act To Expand Tax Incentives for Visual Media Productions" (C. "B" H-598)

(H.P. 1062) (L.D. 1513) Bill "An Act To Authorize Municipal Officers To Resolve Road-naming Disputes" (C. "A" H-596)

(H.P. 1074) (L.D. 1524) Bill "An Act To Ensure Equity in Unemployment Compensation Claims" (C. "A" H-594)

(H.P. 1120) (L.D. 1582) Bill "An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code" (C. "A" H-595)

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

(H.P. 1127) (L.D. 1589) Bill "An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure" (C. "A" H-600)

On motion of Representative HINCK of Portland, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ.**

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

BILLS IN THE SECOND READING
House as Amended

Resolve, To Develop a Model Academic Year Calendar
(H.P. 1100) (L.D. 1563)
(C. "A" H-601)

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

ENACTORS

Emergency Measure

An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008
(H.P. 1070) (L.D. 1521)
(C. "A" H-586)

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

Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge
(H.P. 1133) (L.D. 1606)

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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Name Route 16/27 in the Town of Stratton the Caleb Dalton Stevens Memorial Highway
(S.P. 580) (L.D. 1502)

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

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

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

SENATE PAPERS

The following Joint Order: (S.P. 679)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 9, 2010 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** 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. 1122) (L.D. 1584) Bill "An Act To Require That Marine Resources Dealers Purchase Only from Licensed Harvesters" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-605)** on Bill "An Act To Update the Laws Concerning the Maine School of Science and Mathematics"

(H.P. 1101) (L.D. 1564)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
McFADDEN of Dennysville
JOHNSON of Greenville

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

Signed:

Representatives:

FINCH of Fairfield
RICHARDSON of Carmel

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-605)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 9, 2010.

SENATE PAPERS

Bill "An Act To Improve Dental Insurance Coverage for Maine Children"

(S.P. 680) (L.D. 1773)

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

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

Bill "An Act To Allow the Secretary of State to Issue a State Commercial Driver's License to the Holder of a Military Commercial Driver's License"

(S.P. 678) (L.D. 1772)

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

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

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

On motion of Representative BURNS of Whiting, the House adjourned at 11:21 a.m., until 10:00 a.m., Tuesday, February 9, 2010 pursuant to the Joint Order (S.P. 679) and in honor and lasting tribute to Trooper Glendon N. Sturtevant, of Augusta and Trooper Robert E. Andreason, of Cumberland.