

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

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
11th Legislative Day
Tuesday, February 9, 2010

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

Prayer by Reverend Benjamin Wetherill, Church of the Good Shepherd, Rangeley.

National Anthem by Melissa Hurley, Wilton.

Pledge of Allegiance.

Doctor of the day, David Galbraith, M.D., Alfred.

The Journal of Thursday, February 4, 2010 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, To Review Sales of Dairy Products

(H.P. 1249) (L.D. 1755)

Unanimous **REFER TO THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY pursuant to Public Law 2009, chapter 213, Part TTT, section 9** Report of the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on January 28, 2010.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY pursuant to Public Law 2009, chapter 213, Part TTT, section 9** Report of the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and REJECTED** and the Resolve **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 270)

UNIVERSITY OF MAINE
MARGARET CHASE SMITH POLICY CENTER
5784 YORK COMPLEX, BLDG. #4
ORONO, MAINE 04469-5784

February 3, 2010

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

RE: 2010 Maine State Government Summer Internship Program

Dear Clerk MacFarland:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2009 Maine State Government Summer Internship Report for distribution to the Members of the Maine House of Representatives.

The Maine State Government Summer Internship Program is a full-time paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students the opportunity to participate in and contribute to Maine State Government. We are now accepting all applications through our website at <http://mcspolicycenter.umaine.edu/?q=MSGSSIP>.

Thank you for your assistance in making this report available to the Members of the House.

Yours truly,

S/Charles E. Morris, Director

Maine State Government Summer Internship Program

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 271)

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

February 9, 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":

Inland Fisheries and Wildlife

L.D. 1509 An Act To Amend the Current Moose Permit System and Preference Point System in Maine

Transportation

L.D. 1638 An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation

L.D. 1670 Resolve, To Authorize the Placement of a Sign at Saddleback Mountain

Utilities and Energy

L.D. 1661 An Act To Create a Position at the Public Utilities Commission (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. 272)

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

February 9, 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 Insurance and Financial Services has approved the request by the sponsor, Senator Schneider of Penobscot, to report the following "Leave to Withdraw":

L.D. 1653 An Act To Improve Health Insurance Security

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 627)

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

February 4, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan" (H.P. 484) (L.D. 701).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 628)

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

February 4, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Honorable Dale McCormick of Augusta for reappointment as the Director of the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Raymond J. Cota of Orono for appointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Honorable Carol A. Kontos of Windham for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Honorable Donald H. Gean of Old Orchard Beach for reappointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Barbara A. Berry of North Yarmouth for appointment to the Maine State Housing Authority.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Mary E. McAleney of South Portland for reappointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Frank O'Hara of Hallowell for appointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Jonathan S.R. Beal of Portland for reappointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Edward David, MD of Bangor for reappointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Mary Anne Turowski of Newburgh for reappointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Honorable Gary W. Reed of Falmouth for appointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Labor, the nomination of George A. Burgoyne of Bangor for reappointment to the Maine Public Employees Retirement System Board of Trustees.

Upon the recommendation of the Committee on Labor, the nomination of Peter M. Leslie of Waterford for reappointment to the Maine Public Employees Retirement System Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills 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:

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Strengthen Collection of Unredeemed Beverage Container Deposits" (EMERGENCY)

(H.P. 1263) (L.D. 1774)

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

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AUSTIN of Gray, HUNT of Buxton, MacDONALD of Boothbay, MARTIN of Orono, SMITH of Monmouth, WRIGHT of Berwick, Senators: RECTOR of Knox, SULLIVAN of York.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Display the Homeland Security Advisory System at Public Transportation Facilities"

(H.P. 1264) (L.D. 1777)

Sponsored by Representative PILON of Saco.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: HANLEY of Gardiner, MAGNAN of Stockton Springs, MARTIN of Eagle Lake, PLUMMER of Windham, SCHATZ of Blue Hill, Senator: DIAMOND of Cumberland.

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

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Prohibit Surcharges on the Use of Debit Cards"

(H.P. 1266) (L.D. 1779)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Representatives: CROCKETT of Augusta, PRIEST of Brunswick, Senator: BARTLETT of Cumberland.

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

UTILITIES AND ENERGY

Bill "An Act To Enable the Installation of Broadband Infrastructure" (EMERGENCY)

(H.P. 1265) (L.D. 1778)

Sponsored by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: FLETCHER of Winslow, HINCK of Portland, MacDONALD of Boothbay, Speaker PINGREE of North Haven, Senators: BLISS of Cumberland, RECTOR of Knox.
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 CROCKETT of Augusta, the following Joint Resolution: (H.P. 1267) (Cosponsored by Senator PERRY of Penobscot and Representatives: COHEN of Portland, HASKELL of Portland, RUSSELL of Portland, STUCKEY of Portland, TREAT of Hallowell, VALENTINO of Saco, Senator: NASS of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SECRETARY OF THE NAVY TO TRANSFER THE USS JOHN F. KENNEDY TO THE NONPROFIT ORGANIZATION "JFK FOR ME" FOR THE PURPOSE OF LOCATING THE SHIP IN PORTLAND HARBOR

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Secretary of the Navy as follows:

WHEREAS, the USS John F. Kennedy, CV-67, is a decommissioned supercarrier of the United States Navy and named after the 35th President of the United States, John F. Kennedy; and

WHEREAS, the late President Kennedy was a beloved figure not only in Maine and New England, but throughout the Nation; and

WHEREAS, after nearly 40 years of service in the United States Navy, the USS John F. Kennedy was officially decommissioned on August 1, 2007; and

WHEREAS, the United States Navy is willing to give the ship to a nonprofit organization pursuant to federal laws and regulations as long as the nonprofit organization has the support of a host city; and

WHEREAS, the USS John F. Kennedy Museum Committee, also known as "JFK for ME," is a nonprofit organization in Maine established for the sole purpose of obtaining ownership of the USS John F. Kennedy and relocating it to the City of Portland; and

WHEREAS, JFK for ME proposes to undertake this task at no expense to the taxpayers of Maine; and

WHEREAS, other communities throughout the country have become host cities for retired naval vessels; and

WHEREAS, those retired vessels have served as successful tourist attractions and places for public use and enjoyment such as museums, historic sites, conference centers and similar uses; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Secretary of the Navy authorize the transfer of the USS John F. Kennedy for the

purpose of establishing that ship in Portland Harbor; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Ray Mabus, United States Secretary of the Navy, and to each Member of the Maine Congressional Delegation.

READ.

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

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand today as the sponsor of this resolution to show the support of the 124th Maine Legislature for the USS John F. Kennedy Museum. JFK for ME, a nonprofit Maine organization, has passed the first test in its effort to bring the decommissioned aircraft carrier USS John F. Kennedy to Portland Harbor as a museum.

Three groups submitted initial applications to the Navy, and two advanced to the second phase of the process. Our own Maine group is one of the two.

The initial application addressed the Navy's questions and concerns. It included a letter of support from the city of Portland, after a 9-0 City Council vote.

The group has until next February to complete the phase 2 proposal, which will include many details, including a business plan that addresses marketing, income sources, museum plans, waterfront facilities and environmental considerations.

One or both of these groups could advance to phase three. Phase three calls for further plans regarding mooring the ship, towing it from its berth in Philadelphia, and details of operating the museum. The group is fully, fully aware that this is going to take a lot of money, they are going to have to have a huge fundraising effort. It will cost millions to get through the process, get the ship here, refurbish it and operate it as a museum.

The group has ideas for making the ship a year-round attraction for Maine. Part of it could be a convention center; it could include a restaurant. In the winter, there could be an ice rink on the deck

It is estimated that the carrier could provide more than 100 permanent jobs, plus at least 100 to 200 workers to do maintenance, upkeep and restoration. This is an opportunity for the city, the community, the area and the state to increase tourism. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative SAVIELLO of Wilton, the following Joint Resolution: (H.P. 1268) (Cosponsored by Senator GOOLEY of Franklin and Representatives: CROCKETT of Bethel, GILBERT of Jay, HARVELL of Farmington, MITCHELL of the Penobscot Nation, PETERSON of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO OPPOSE LOW-LEVEL FLIGHTS IN WESTERN MAINE

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Maine Congressional Delegation as follows:

WHEREAS, the Massachusetts Air National Guard proposes to change the use of low-level training flights in the military operations airspace area in western Maine, known as "the Condor airspace"; and

WHEREAS, the Massachusetts Air National Guard's proposal

will allow for low-altitude combat simulation flights within the Condor airspace and the proposal has been met with opposition by the residents near the flight paths, as well as concerned citizens throughout the State; and

WHEREAS, the major problems are the low altitude of the jets, the potential of an increase in flights, the existing small private aircraft flights in the area and the increased noise levels that will disturb agriculture and wildlife, the serenity of the area and the quality of life for both residents and tourists; and

WHEREAS, the Massachusetts Air National Guard's draft environmental impact statement for these flights is incomplete and fails to meet minimum standards for adequate research and publication, containing errors, omissions and unsupported conclusions related to flight safety, environmental damage and quality of life; and

WHEREAS, specifically, recent economic reports and recommendations on "quality of place" and the effect of low-level aircraft flights have not been addressed by the draft environmental impact statement; and

WHEREAS, another issue is that noise data for F-18, F-22 and F-35 aircraft are omitted from the draft environmental impact statement, despite the likely use of the airspace by these significantly louder aircraft, and independent analysis of the noise data has not been completed; and

WHEREAS, no meaningful mitigation measures have been considered or suggested to protect the people and environment regarding these concerns and the State would have no binding control over low-level flight activity; and

WHEREAS, the Penobscot Nation, a federally recognized sovereign Indian tribe, has serious concerns about the effects of this proposal, and the approximately 47,600 acres of tribal lands affected by the proposed expansion of military training flights are lands that were recovered by the Penobscot Nation under the terms of the federal Maine Indian Claims Settlement Act of 1980, 25 United States Code, Sections 1721 to 1735; and

WHEREAS, this proposal may result in unintended restrictions on the uses of the tribe's lands and resources, which may constitute a violation of the Maine Indian Claims Settlement Act of 1980, and an executive order of the President of the United States and federal law require that all federal agencies formally consult with federally recognized Indian tribes when their proposed actions potentially affect such tribes, and to date the Massachusetts Air National Guard has not initiated the required consultation process; and

WHEREAS, communication between the Massachusetts Air National Guard, the citizens of the State and the Governor of Maine has been incomplete and the Massachusetts Air National Guard has been unresponsive to questions and requests for information; and

WHEREAS, important environmental issues in the State have not been properly addressed, such as how these flights will affect endangered and protected species, such as the Barrow's Goldeneye duck and the American Bald Eagle; and

WHEREAS, the impact of the flights on the locations of present and future wind energy sites has not been properly addressed and the safety of the aircraft flying out of local airports has not been properly addressed; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to express our dissatisfaction with the present notification and hearing process for low-level flights over the western portion of our State and we urge the Maine Congressional Delegation to request that any action by the Federal Aviation Administration be delayed until the draft environmental impact statement is complete and addresses all the above identified concerns; and be it further

RESOLVED: That We call upon the Maine Congressional Delegation to urge the Federal Aviation Administration to hold a public hearing on this proposed airspace change and to request the Massachusetts Air National Guard to withdraw proposals to modify the Condor military operating areas until the previous requests are implemented; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Massachusetts Air National Guard and to each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to ask you to support this resolution. Now I'd like to take a few minutes, not long, to explain to you why.

First of all, I want to make it very clear to everyone in this House that I support the troops, I support the veterans. I want them to be the best they can be. They already are the best, we need to make them better. However, I also want to make sure that they get the proper training that they need to have in order to go overseas to fight and defend this country.

Now having said that, I have great difficulty in asking you to pass this resolution, but the Massachusetts Air National Guard is proposing to change the air space use in the area called Condor over western Maine. The change, in fact, will create it so that they can actually create dog fighting battles over that area, as low in elevation as 300 feet. To do this, the Massachusetts Air National Guard needs to prepare an environmental impact statement, which they did, but there lies the rough. You see, in my 30 plus years of reviewing, writing and following environmental impact statements, this is absolutely the worst one that I've ever read or seen.

Let me give you examples and the details are in the resolution, but they ignore the concept of quality and place that we have defined in western Maine. They have ignored the endangered species that we have identified as a legislature. They have ignored the protection of the eagles that we also have put together as a legislature. They have ignored 400 foot wind towers which will be well within this change in airspace definition. They have ignored noise made by the planes. And I ask, just to give you an example, and I'll use that one as the best example, is that we asked as a community that a third party be allowed to actually review the report. They did. They had the third party: the U.S. Air Force. Now what I have difficulty, well, that would be like me taking a report from my mill and asking the mill upstream to be the third party reviewer. It doesn't quite work. Most importantly they've ignored my friends, the Penobscot Indians, who have land under the Condor airspace.

I do want to commend all of those who have been in support of this request for information which we have asked for, for nearly two years. It is very frustrating to be ignored and continue to be ignored. I do want to make sure everybody is clear. We're not asking them that we're against this training, we just want our questions answered and to be informed. Madam Speaker, I would like the yeas and nays when the vote is taken.

Representative SAVIELLO of Wilton **REQUESTED** a roll call on **ADOPTION**.

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

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell.

Representative **MITCHELL**: Thank you, Madam Speaker. Madam Speaker, I rise in support of this joint resolution today,

and I echo, as well, the sentiments of Representative Saviello regarding this flyover project by the U.S. Air Force.

My tribe was never consulted in a formal sense and because of that we have some deep and grave concerns. As you know, over 30 years ago, we settled very historic claims with the State of Maine, the Federal Government and the tribes of Maine. In the process of settling those claims, we were allowed to require several hundred thousand acres of land. This particular area affects about between 46,000 and 48,000 acres of our land which would in essence prohibit us from realizing any economic benefit from these lands. We do have a proposed wind power project slated for these lands. We have been in the study process now for the last year, and our calendar is lined with time events. This came very unfortunately halfway through this process. So not to belabor the point, the Penobscot Nation is in full support of this, we're in full support of our military. As you know, a lot of our tribal members of all the Wabanaki tribes in Maine have served with a distinguished career in the U.S. military, since the Civil War and up to present. So I earnestly support this and hope that we unanimously support this joint resolution. Thank you, Madam Speaker.

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

ROLL CALL NO. 258

YEA - Adams, Austin, Beaudoin, Beaulieu, Berry, Blanchard, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Crafts, Crockett J, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McLeod, Miller, Millett, Morrison, Nass, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Rosen, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Bickford, Cebra, Celli, Chase, Cray, Curtis, Edgecomb, Flood, Knight, Lewin, McKane, Nutting, Pinkham, Richardson D, Richardson W, Robinson, Sarty, Tardy, Thibodeau, Weaver.

ABSENT - Ayotte, Beaudette, Beck, Blodgett, Carey, Cornell du Houx, Cushing, Fitts, Flaherty, Hayes, Kaenrath, Kent, Smith, Watson, Willette.

Yes, 116; No, 20; Absent, 15; Excused, 0.

116 having voted in the affirmative and 20 voted in the negative, with 15 being absent, and accordingly the Joint Resolution was **ADOPTED** and sent for concurrence

On motion of Representative ROTUNDO of Lewiston, the following Joint Resolution: (H.P. 1269) (Cosponsored by Senator ROSEN of Hancock and Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford,

CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCabe of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

JOINT RESOLUTION RECOGNIZING MAINE ADULT EDUCATION

WHEREAS, since 1871 Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of people throughout the State; and

WHEREAS, Maine's adult education programs are uniquely positioned to provide adults with the opportunity to learn where they live in all parts of Maine, with services in 85% of municipalities; and

WHEREAS, adult education programs are vital to the economic development of Maine and are actively responding to the current crisis of job loss by providing programs and courses specifically designed to help educate the workforce and prepare Maine adults for success, including:

1. Direct service to Maine adults who have experienced job loss, with enrollment increases in academic and job-related courses of between 30% and 100% in 2008;

2. Career preparation and courses for Maine workers, plus certificate programs, including the implementation of the WorkReady™ program focusing on workforce development skills for success on the job;

3. Literacy and English as a second language programs and successful family literacy programs combining adult education and early childhood and parenting instruction;

4. High school completion and general educational development programs, with 3,000 credentials awarded in Maine annually, with a major emphasis on individuals under the age of 25;

5. Comprehensive college transition programs in place in 22 regions covering every county in Maine, which provide career guidance, orientation to college and refresher and prerequisite classes for adults seeking college success; and

6. Community education, including a vibrant array of self-supporting courses contributing to the quality of life in Maine communities, offering the opportunity for Mainers of all ages to share talents and learn from others; and

WHEREAS, in 2009 Maine Adult Education launched a web portal system of coordinated websites for local programs allowing statewide searching for courses and online registration and payment; now therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support of Maine's adult education programs, which uniquely meet the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in this period of economic uncertainty; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

READ

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Maine's Adult Education is one of the bright spots for our people whose lives have been so severely impacted by the recession. Programs have stretched their limited resources to accommodate a 36 percent increase in enrollments in academic and job related courses over the past two years. Working in close cooperation with the Maine Department of Labor and with postsecondary institutions, adult education provides the basics to fill in gaps and

move individuals on to a job, training or higher education. Our adult education programs are also able to fill in the gaps for many high school students lacking credits necessary for graduation.

The Maine Adult Education College Transitions program, begun by the Legislature and the Chief Executive, is now recognized as a national model and more than doubled its targets for students last year. Adult education programs are innovative, using new tools such as distance learning and marketing their courses through a statewide web portal. But most of all these programs and their committed staffs are student-centered, meeting people where they are, identifying goals and moving them toward achievement. It's an honor today to be able to recognize Maine's Adult Education and its importance to our state. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**. Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Nicholas R. Mellow, of Waterville, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to Nicholas on this achievement;

(SLS 330)

On **OBJECTION** of Representative TRINWARD of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Jack Mallis, of Windham, who was awarded the 2009 James J. Fitzpatrick Trophy. The trophy is given annually to Maine's most outstanding high school senior football player. Jack, the Windham High School Eagles' star running back, scored 4 touchdowns in the final State Championship victory. During his senior year, he rushed for 1,686 yards and 26 touchdowns, and he scored a total of 51 touchdowns during his high school career. We join the Windham community in congratulating Jack on his receiving this well-deserved award, and we send him our best wishes on his future endeavors;

(HLS 868)

Presented by Representative PLUMMER of Windham. Cosponsored by Senator DIAMOND of Cumberland, Representative BRYANT of Windham.

On **OBJECTION** of Representative PLUMMER of Windham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Last week when the High School Class C football champions from Dirigo High School were here, the good Representative from Mexico talked about their relationship to the Super Bowl. Well, we in Windham had our Super Bowl in November as well.

This sentiment, as you heard, is for Jack Mallis, and I fully intend to talk about Jack. But first I would like to talk about the Class A High School football champions from Windham, and I should add from Windham and Raymond, and every time I use Windham it also includes Raymond because we are part of RSU # 14. The other body passed a sentiment earlier today honoring this Windham team. Since they are here today and we could not run the sentiment in both bodies the same day, it seems appropriate to mention the whole team while they are here.

The entire Town of Windham is so proud of our Eagles. I graduated from Windham a few years ago. Well I guess that it was more than a few years ago. Well all right, a few decades ago. So I've had Eagle Pride for a long, long time. This team has instilled Eagle Pride in our entire town.

Our football team is not about who they defeated to reach this noble goal, but it is about building a dream—a dream that started when these young men were elementary school boys. When these football players reached high school, Coach Perkins accepted the team that had worked and played together for so many years. He added the ingredients that facilitated this team to go on to become the Class A State Champs.

Representative Bryant, Representative Robinson and I and the entire town of Windham are extremely proud of our Eagles.

Now to address the sentiment that is before us today. The James J. Fitzpatrick Trophy is given annually to Maine's most outstanding high school senior football player. Earlier I mentioned the Representative from Mexico. She also spoke on a second sentiment last week for Nic Crutchfield who was nominated for the Fitzpatrick Trophy. I had a chance to talk to Nic later in the day and he was very respectful and humble when we talked about Jack Mallis.

Well we do have Jack Mallis with us today. As you heard when the Clerk read this sentiment, and I know you all listen to every word the Clerk says, as I do, you heard that Mr. Mallis scored 4 touchdowns during the championship game and 26 touchdowns during his senior year as well as rushing for 1,686 yards.

Jack Mallis is also very respectful and humble. Every time he has had a chance to speak, he has told people that this award is for the entire team and the coaches. While I understand that this is true, Jack Mallis was named the most outstanding High School Senior Football Player in the State of Maine. It is with great pride that we honor Jack Mallis today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, rise in support of Jack Mallis and the James Fitzpatrick Trophy and also the Class A champs of Windham and Raymond, RSU #14. It's a great day for Windham. I think it's beyond any one of them, beyond the coaches, it's the whole region. As you say it takes a village, well I think the positive impact that that's had on our community, in the surrounding communities is just huge, and we are going to feel the residual effects of that for a lot of years, a lot of positive years, and I credit it all to the coaches and to the football team along with Jack Mallis. We thank you very much, Madam Speaker.

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

In Memory of:

Sandra "Sandy" Armentrout, of Kennebunkport, noted museum administrator and preservationist. Born and raised in New Jersey, Sandy graduated from Wheaton College with a

degree in Art History and later earned a certificate from the Colonial Williamsburg Seminar for Historical Administration. She moved to Maine in 1965 and made the Kennebunks the center of her life from that time onward. With her expertise in decorative arts and architectural history, Sandy began her professional career in 1976 at the Brick Store Museum, where she served as Director from 1980 to 1986. In 1987, she was named Citizen of the Year by the Kennebunk Chamber of Commerce. After working at the Brick Store, she held a series of interim directorships at the Portsmouth Athenaeum, the Old York Historical Society, the Joan Whitney Payson Gallery at Westbrook College, the Maine Historical Society and River Tree Arts. From 1989 to 1993, Sandy served as the Northern New England Regional Administrator for the Society for the Preservation of New England Antiquities. She also served as a consultant to small museums throughout New England and was a member of the Maine Arts Commission from 1988 to 1992. In recent years, Sandy was a member of the board and on the executive committee of the Kennebunk Land Trust, and was rewarded with the 2008 Bull Moose Award for her commitment to conservation. She was an active volunteer for the York County Shelters Food Pantry, the Community Outreach Committee of South Congregational Church and the Seacoast Garden Club. In 2007, the University of New England honored her with their annual Deborah Morton Award for her community and charitable work. We acknowledge Sandy Armentrout's generous contributions and dedication to her community and to the State. She will be greatly missed and long remembered by her family and many friends;

(HLS 870)

Presented by Representative LEGG of Kennebunk. Cosponsored by Senator SULLIVAN of York, Representative CONNOR of Kennebunk, Representative CASAVANT of Biddeford.

On **OBJECTION** of Representative LEGG of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative **LEGG**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This past year our towns lost one of our finest citizens, Sandy Armentrout, of Kennebunkport. Sandy was one of the sturdiest pillars of our communities, and when she entered the room her energy, intelligence and optimism lit it up. Sandy deeply cared for our people in our towns and we are so grateful for her leading the way to a better quality of life and to the enrichment of our collective souls.

Joining us today are her partner, Dick Barns, several members of her family, two of her friends. Her family and friends shared Sandy's credo that we should exercise our beliefs by taking direct and purposeful action. Sandy was a joy to be with. She could also be as tough as rawhide when she was determined to complete a mission and, as you can tell from what was just read, her missions were many. It will be impossible to replace Sandy, but her legacy lives on in each person who loved and admired her. Sandy Armentrout's inspiring light will help guide our communities for decades to come.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I have to add my own voice too in Sandy's memory. She was truly a remarkable community leader and her loss really is all of Maine's loss. Sandy will live on powerfully in the memory of her entire

community and in her life's work, which is really astounding. I encourage you to read the entire sentiment that is before us. It will also live on in the memory of her grandson, Jake, whose parents are close friends of mine, and who is here in the gallery today. He can always be enormously proud of his grandmother, and we should all be enormously grateful for all that she has given to her community and to our state. Sandy is the stuff Maine is made of and I'm proud to be able to honor her today with you. Thank you.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)

(S.P. 677) (L.D. 1764)

Reporting **Ought to Pass** pursuant to Resolve 2009, chapter 98.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-359)**.

Report was **READ** and **ACCEPTED**.

The Resolve was **READ ONCE**. **Senate Amendment "A" (S-359)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, February 11, 2010.

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-353)** on Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

(S.P. 505) (L.D. 1389)

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:

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

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

Signed:

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-353).

READ.

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

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill will put in place a Quality of Place Council. In our committee, the BRED Committee, we hear all of the time from individuals from businesses, from people in state government that we have more to offer than what people see here. It just happens to be our new state motto, "There's more to Maine." As we need to look at these strategies of where we need to invest in the state, we're going to take and look at these economic development processes but we need to do it by preserving what is best in the state and what is special. Some of these that we're going to be looking at are our natural resources, our historic buildings, our downtowns. But also we're looking at our intellectual properties, our universities, our colleges, and our research institutes. We need to pass this legislation and I urge you all to vote with my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In all due respect to what the good legislator who just spoke and who is a member of the BRED Committee with me, I rise to speak against this pending motion, and as I rise, I want to make it very clear that I am very supportive of efforts to preserve the quality of place that we know and love and hold dear in this State of Maine. However, this is really why I rise. It's because at a time when we are faced with such budget constraints, with an economy that's uncertain, we are putting into place what is an added layer of government. Let me just speak to this a little bit. Before I do, I do want to thank the BRED Committee for the good work on this. This was a bill that came up late in the session from Senator Damon, and the members on our committee, I think, may agree to disagree on certain aspects of this bill.

What it takes is the Maine Quality of Place Council, which has been a special council which was appointed under the current administration, and rather than sort of let it wrap its work up, it's putting this council into place on a permanent basis. It will include 12 members, six state agency representatives and six private citizens, and it is going to work on quality of place, but we already have many districts called economic development districts in this state that are already doing this work. It's got a fairly broad reach. It does talk about the economic development in our downtowns and our historic communities, arts and culture. It goes beyond that as well. It focuses on the natural resources including farming, fishing, forestry. It touches on all of our educational institutions and has a very broad reach in terms of what the scope of this commission council is to do.

As I stated earlier, this is being put into place knowing that we already have many organizations out at the regional and local levels which are doing this work, and this is being done at a time when states, such as Washington State, just cut 75 boards and commissions in an effort to streamline and reduce the cost of their government. It looks at all aspects of life, but I believe through the testimony we got at this committee that there was already many other government agencies and organizations that are doing this work. There is an annual report that is required from this council to the Chief Executive each year, and as this commission is being formalized, or made permanent in our very,

very final stages of our own good Chief Executive, it seems to me to be of a more commonsense approach to let the next Chief Executive, whoever he or she may be, see if this is a strategic approach that they want to use under their administration.

So, again, I rise not to speak against quality of place in life in Maine. I speak very strongly for it. But I do not see the need for an additional administrative layer to make this happen, which is something that is already being looked at and studied in so many groups in our state government. Madam Speaker, I would like to request a vote of the yeas and the nays. Thank you.

Representative GILES of Belfast **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.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending the motion of Representative WRIGHT of Berwick to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR
First Day**

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

(S.P. 589) (L.D. 1531) Bill "An Act To Update Laws Regulating the Maine Emergency Management Agency" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 591) (L.D. 1533) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 624) (L.D. 1659) Bill "An Act To Enhance the Small Enterprise Growth Fund" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 386) (L.D. 1022) Bill "An Act To Amend the Laws Governing the Legislative Youth Advisory Council" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-357)**

(S.P. 602) (L.D. 1595) Bill "An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-356)**

(H.P. 934) (L.D. 1330) Bill "An Act Regarding Gaming by Charitable Organizations" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-611)**

(H.P. 1064) (L.D. 1515) Bill "An Act To Amend the Charter of the Caribou Utilities District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-614)**

(H.P. 1067) (L.D. 1517) Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-608)**

(H.P. 1098) (L.D. 1556) Resolve, To Review Certification Requirements for Installation of Solar Energy Systems (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-609)**

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. 603) (L.D. 1596) Bill "An Act Regarding Mobile Service Bars at Municipal Golf Courses" (C. "A" S-352)

(H.P. 1122) (L.D. 1584) Bill "An Act To Require That Marine Resources Dealers Purchase Only from Licensed Harvesters"

(H.P. 1137) (L.D. 1609) Bill "An Act To Expand the Use of Ignition Interlock Devices"

(H.P. 1150) (L.D. 1622) Bill "An Act To Make Technical Changes to the Laws Governing the Practice of Law"

(H.P. 75) (L.D. 91) Bill "An Act To Fund the Maine Downtown Center" (C. "B" H-607)

(H.P. 1107) (L.D. 1570) Bill "An Act To Amend the Laws Governing the We Support Our Troops Registration Plates" (C. "A" H-606)

(H.P. 1208) (L.D. 1707) Bill "An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures" (EMERGENCY) (C. "A" H-604)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **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
House as Amended**

Bill "An Act To Update the Laws Concerning the Maine School of Science and Mathematics"

(H.P. 1101) (L.D. 1564)
(C. "A" H-605)

Bill "An Act To Provide for the Safety of Maine Athletes"

(H.P. 1168) (L.D. 1640)
(C. "A" H-603)

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

**ENACTORS
Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1076) (L.D. 1526)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1077) (L.D. 1527)

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

Acts

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

(H.P. 1019) (L.D. 1464)

(C. "B" H-593)

An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974

(H.P. 1087) (L.D. 1543)

An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District

(H.P. 1099) (L.D. 1557)

An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws

(H.P. 1110) (L.D. 1572)

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, To Study Expenditures for Oral Health Care in the MaineCare Program

(H.P. 438) (L.D. 624)

(C. "B" H-590)

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 Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents

(H.P. 1069) (L.D. 1520)

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

On motion of Representative WRIGHT of Berwick, 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: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise as a courtesy to my House Chair on the BRED Committee, the good Representative from Monmouth, who could not be here today. She requested that we take the vote with the yeas and nays.

This is a simple little change. What it does is it allows qualified individuals to practice under supervision of a dental resident. Maine is known for many things and, unfortunately, one of the things we are known for is our poor dental care. This is

one of the small things that we can do to assure that we get the quality care that we need, and I urge you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was asked to sponsor this bill and after I found out about the bill I just jumped with joy about it. One reason, I was a little selfish because the bill basically would be a real adage to my hometown. We had a new, small medical center built and on the fourth floor happens to be four dental chairs that have not yet been filled. Now you know that dental care in the State of Maine is very, very limited, and you know in some areas there's probably none at all. My feeling about this bill is the same as that of the dental association. What I think will happen from this and I hope that will happen from this bill, is that these new, young dentists coming in will be serving a year of internship, basically, like a doctor would at a hospital. But I think what the roots to the whole bill is that we're hoping that some of these young people will make roots in Maine and stay in Maine to practice the dental care that we all know that we need. Thank you, Madam Speaker.

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. I rise in support of LD 1520 and I want to thank Representative Blanchard for sponsoring this important bill.

As has been said, this would allow dental residents to work under the supervision of a dentist in some of our most needy areas and would be working in clinics in communities and in rural health clinics. This is an important bill that will allow expanded access to dental care, especially for our MaineCare recipients and low-income people who have a very difficult time finding providers to see them. We are expecting 100 dentists to retire over the next five years due to their age and retiring, and we are in quite a crisis when it comes to filling their positions. I think, as Representative Blanchard said, when they come and see what a great state we are and do an internship here that this may help convince them to come and stay permanently.

I serve on the HHS Committee. This week we received a report on emergency room use and the number one cause of emergency room use for young adults is dental emergencies. This is costing us a tremendous amount of money, plus it is not really adequately dealing with our health care needs. Passing this bill will address the issue of access to dental care, and I hope that you will all support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I also rise to speak in support of the pending motion. I think this is one great example of people listening to what's going on locally in their community, and I thank the good Representative from Old Town for bringing this forward. This will allow dentists as they are in their young, early training stage, so they are not quite dentists yet, to be able to work under the tutelage of a full dentist but to do so with a permit which will cost them \$50 versus having to go through full licensure which is much more expensive. So I applaud the thought and I think this is something we all should support. Thank you.

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. 259

YEA - Adams, Austin, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, 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, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Beaudette, Beck, Blodgett, Carey, Fitts, Hayes, Kaenrath, Smith, Watson, Willette.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 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:

SENATE PAPERS

Bill "An Act To Protect Teacher Retirement Income"

(S.P. 683) (L.D. 1776)

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

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

REPORTS OF COMMITTEE

Refer to the Committee on Natural Resources

Pursuant to Statute

Report of the **Joint Standing Committee on Natural Resources** on Bill "An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources"

(S.P. 681) (L.D. 1775)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6.

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** 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. 1114) (L.D. 1576) Bill "An Act To Improve the Ability of the Commissioner of Corrections To Respond in an Emergency" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-615)**

(H.P. 1126) (L.D. 1588) Bill "An Act To Change the Penalties for Writing Bad Checks" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-616)**

(H.P. 1140) (L.D. 1612) Bill "An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-617)**

(H.P. 1171) (L.D. 1643) Bill "An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-618)**

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

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

On motion of Representative LEGG of Kennebunk, the House adjourned at 11:30 a.m., until 10:00 a.m., Thursday, February 11, 2010 in honor and lasting tribute to Sandra "Sandy" Armentrout, of Kennebunkport.