

MAINE STATE LEGISLATURE

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

Volume II

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
14th Legislative Day
Thursday, February 18, 2010

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
National Anthem by Peter Mezoian, South Portland.
Pledge of Allegiance.
Doctor of the day, David Jones, M.D., Presque Isle.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 691)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE UNITED STATES
CONGRESS TO FULFILL THE INTENT TO FUND 40% OF THE
COSTS OF SPECIAL EDUCATION AND TO END UNFUNDED
MANDATES**

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 President of the United States and the United States Congress as follows:

WHEREAS, the United States Congress has found that all children deserve a high-quality education, including children with disabilities; and

WHEREAS, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

WHEREAS, the United States Congress has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

WHEREAS, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

WHEREAS, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

WHEREAS, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the

United States Congress either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

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

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

COMMUNICATIONS

The Following Communication: (S.P. 692)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

124th Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Diane Dolye of Saco for reappointment to the Land for Maine's Future Board.

Pursuant to Title 5 M.R.S.A. §6204 (2) this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 693)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Richard Stevenson of Bath for reappointment to the Board of Pesticides Control.

Pursuant to Title 22 M.R.S.A. §1471-B (1) this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 694)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated John Joseph of Hallowell for reappointment to the Maine Milk Commission.

Pursuant to Title 7 M.R.S.A. §2952 (1-B) this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 695)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
124th Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Edith Cronk of Wiscasset for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12 M.R.S.A. §10308 this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 696)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Elizabeth Townsend of Portland for appointment as Commissioner of the Department of Conservation.

Pursuant to Title 12 M.R.S.A. §5011 this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.P. 697)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:
Please be advised that Governor John E. Baldacci has
nominated Stanley Kuklinski of Farmington for reappointment and
Barbara Dresser of Saco for appointment to the State Harness
Racing Commission.

Pursuant to Title 8 M.R.S.A. §261-A these nominations will
require review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the
Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY.**

READ and **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY in
concurrence.

ORDERS

On motion of Representative PIEH of Bremen, the following
Joint Order: (H.P. 1275)

ORDERED, the Senate concurring, that the Joint Standing
Committee on Agriculture, Conservation and Forestry shall report
out, to the House, a bill to facilitate communication between the
Department of Administrative and Financial Services, Bureau of
Revenue Services and the Department of Conservation, Bureau
of Forestry.

READ and **PASSED.**

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the
following House Order: (H.O. 38)

ORDERED, that Representative Stephen R. Beaudette of
Biddeford be excused February 9 and 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anna
D. Blodgett of Augusta be excused February 9 for personal
reasons.

AND BE IT FURTHER ORDERED, that Representative
Cynthia A. Dill of Cape Elizabeth be excused January 28 for
legislative business.

AND BE IT FURTHER ORDERED, that Representative Jayne
Crosby Giles of Belfast be excused January 19 and 28 for
personal reasons.

AND BE IT FURTHER ORDERED, that Representative
Wesley E. Richardson of Warren be excused February 4 for
personal reasons.

AND BE IT FURTHER ORDERED, that Representative
Nancy E. Smith of Monmouth be excused February 9 for health
reasons.

AND BE IT FURTHER ORDERED, that Representative
Thomas R. Watson of Bath be excused February 9 for legislative
business.

AND BE IT FURTHER ORDERED, that Representative
Walter A. Wheeler, Sr. of Kittery be excused February 11 for
health reasons.

READ and **PASSED.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Saint Joseph's College Mens Soccer Team in Standish, which
won the Great Northeast Athletic Conference championship. The
2009 season was the most successful season in the team's
history and featured the first St. Joseph's men's soccer team to
go without losing consecutive games in a single season. Saint
Joseph's led the conference in all defensive categories and
ranked highly in the region in goals allowed and save percentage.
The 2009 team placed 7 players on the all-conference team and
broke 21 program and individual records on its way to the first
National Collegiate Athletic Association Tournament in the team's
history. We extend our congratulations to the team members and
coaches on a very successful season;

(HLS 891)

Presented by Representative SHAW of Standish.
Cosponsored by Senator DIAMOND of Cumberland,
Representative ROBINSON of Raymond, Representative
CUSHING of Hampden, Representative BRYANT of Windham,
Representative PLUMMER of Windham.

On **OBJECTION** of Representative SHAW of Standish, was
REMOVED from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative
from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Madam Speaker.
Madam Speaker, Ladies and Gentlemen of the House. I'm
honored to speak to you today about the Saint Joseph's Mens
Soccer Team, who have been able to join us today in the State
House.

Despite many challenges, the Saint Joseph's Mens Soccer
Team, the Monks, realized two of the team's primary goals this
fall: a Great Northeast Athletic Conference championship and a
subsequent berth into the NCAA Tournament. Saint Joseph's led
the conference in all defensive categories and ranked highly in
the region in goals allowed and save percentages and broke 21
program and individual records on its way to the first NCAA
Tournament berth in team history. The most successful season
in team history, 14-8-1, becomes more impressive considering
the fact that 4 of the 8 Monks' losses and 1 tie came to
opponents who earned NCAA Tournament berths. No matter
what these students choose to do in whatever field, having this
level of commitment to teamwork and reaching goals will enable
them to powerfully impact the communities in which they live and
the world. I want to thank these students and their coaches and
the others who have worked with them for all of your work, your
efforts, and your accomplishments. Thank you to you all.

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, want to
rise with accolades for Saint Joseph's College but maybe for
another twist and that is the coach, Steve Babineau, a good
Windham man I should say now. But years ago, my early years

when I was coaching, he as a young adult helped my team and mentored them and I can see that he's doing the same for these young adults and I appreciate that. I hope that each of those members will continue the same legacy to younger children because it does make a great impact. We thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today to add my comments and recognition of a group of young men who have marked a significant accomplishment in their lives. They have gone on to the field of competition and earned the success and respect that comes from practice, hard work and, most importantly, teamwork. As many of us here in this body understand, you do not accomplish much here without the support and help of your colleagues. Saint Joseph's Mens Soccer Team has experienced both wins and losses, success and failure. In this, they are no different than other teams. But what leads them here today was their perseverance through the easy and the tough times. At the end of this comes the reward for a well played season and the respect of their opponents, their fans and this body.

Madam Speaker, if you'll indulge me a bit longer, I want to share another aspect to this story. As a proud father of two fine young men who serve on this team, I stand here today in place for all of those parents who have traveled many miles and stood on the sidelines to watch their sons and their daughters compete in athletic competition. And its with a great deal of pride that I have the opportunity to stand here today, but also humility, because we as parents get to stand on the sidelines, but its these young men who will go on and use these skills and these lessons they've learned to further their lives. So thank you for the opportunity to speak.

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

Recognizing:

Tate Gale, of Portland, a freshman at Portland High School. Tate, the 14-year-old son of Jon and Nori Gale, spent his summer vacation in Gulu, Uganda, where he was a volunteer English teacher. With only 2 hours of training, Tate faced a classroom packed with 90 students, all of whom had been touched by Uganda's recent war and the deep poverty of the country. The more time he spent with his students, both inside the classroom and outside the classroom, the more he learned. On his final day, Tate found a note from a student that said, "Thank you for coming. Please come back." Tate exemplifies the spirit of the State and we commend him for his accepting this challenge without question;

(HLS 893)

Presented by Representative HASKELL of Portland.

Cosponsored by Senator BRANNIGAN of Cumberland, Senator ALFOND of Cumberland, Representative RUSSELL of Portland, Representative ADAMS of Portland, Representative HINCK of Portland, Representative HARLOW of Portland, Representative LOVEJOY of Portland, Representative STUCKEY of Portland, Representative COHEN of Portland.

On **OBJECTION** of Representative HASKELL of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like to tell you a little bit about Tate's story. You read briefly or heard briefly from the Clerk about it. But think about this essay that everyone's asked to write when they had back to school. What did you do on your summer vacation? Well, it wasn't go to the beach and hang out with my buddies, as his parents, Nori and Jon, got a call from a classmate, a former college classmate of them, who was working for the U.S. International Development Agency in Uganda with a brainstorm. Why doesn't Tate come and volunteer here in Uganda? Well, here's a 14 year old boy who had never flown anywhere alone, to say nothing about to Africa, and so his parents, you can imagine what that decision was like; however, what an opportunity. So on July 6th Tate boarded a plane and he was met in Uganda's capital, and they left the next morning for a six hour trip, over some of the worst roads that you could ever imagine, to Gulu, which is near the Sudanese border. Here is the 14 year old's thought: It was crazy, he said, I thought, oh my God, what am I doing here? That's a good question.

The morning after they arrived, he went down to the school where he was introduced to the principal and the principal said come on back tomorrow morning around 7:30, which Tate did, arrived at the school figuring he'd be cleaning bathrooms or stacking books or whatever. But they sized him up. He thought maybe at the end of his weeks there he might teach a class or two, but they sized him up that day and said what do you want to teach, English or science? And he said, well, I guess I know English better than I know science, so English. With two hours worth of training, he was in a classroom with 90 students teaching English. So much for formal training. And the pupils, who were all between the ages of 13 and 15, had never even laid eyes on a white teacher, to say nothing about this young man. The more time Mr. Tate Gale—they called him Mr. Tate Gale—spent with the students, eating the maize and flour paste made with beans for lunch each day and inventing a hybrid game—because their cricket bat had broken they were using Tate's football, so they had to invent a game—he learned that every one of these last kids was related to someone who had been killed in the war, and that survival in Uganda is not a reality show. He learned that living in one hundred percent poverty can change one's view of what is really important. They all seemed to be so happy despite everything, he said. People here, we have so much, but they are just content with what they have, content with just surviving, one of the most satisfying things I've ever experienced.

It wasn't until his final day Tate told the kids he wasn't in college, he's kind of a tall kid. He told them he wasn't in college. As a matter of fact, he was a 14 year old just like them, and no matter, that day he was rewarded with the thank yous from his students and a request to please come back. He said, I'll remember that for sure. Do you think he had freshman butterflies when he went into Portland High School that first day? I doubt it. Thank you.

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

In Memory of:

Timothy D. Carr, of South Portland, a longtime community activist and firefighter. Mr. Carr served on the South Portland Fire Department from 1973 to 1998, retiring as Fire Captain. He had extensive training and education in fire science and fire protection and shared his knowledge with the community. Since 2000, he contributed to firefighting by serving as Hazardous Materials Coordinator for Maine Fire Training and Education, and since 2002 he served as Fire Science Education Coordinator at Southern Maine Community College. Mr. Carr was a true public servant, who was dedicated to the community of South Portland, volunteering in numerous civic organizations, such as the Spring Point Ledge Light Trust, the South Portland Historical Society and the Pleasantdale Neighborhood Association. He served as treasurer of his church and was involved with countless conservation and preservation projects. We acknowledge his dedicated commitment to his community and to the State. He will be greatly missed and long remembered by his loving family and his many neighbors and friends;

(HLS 892)

Presented by Representative EBERLE of South Portland. Cosponsored by Senator BLISS of Cumberland, Representative MORRISON of South Portland, Representative KAENRATH of South Portland.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's with great honor that I rise to make a couple of brief comments about Tim Carr. He really was an unsung hero in the words of his wife Kathleen. Tim was a lifelong South Portland resident. He used to pick strawberries out in Cape Elizabeth at the age of 12 for 5 cents a quart. He was a very unassuming person with everything that he was involved with in South Portland. He never wanted any credit. When he was asked why he'd done most of the work and not sought any credit, he'd say it doesn't matter, there's a job to do and I did it. He was an avid reader, he was an avid gardener, he was the mayor of Pleasantdale, and one of his favorite quotes from a favorite book is this: "I have observed that the most effective leaders are rarely public heroes. They do what is right, inconspicuously without causalities." So unassuming, in fact, was Tim that he would probably be wondering what all the fuss is about today. It is with great honor that we do recognize Tim and his accomplishments. And earlier today the family was meeting with the Chief Executive and his wife Kathleen noted that Tim was always more comfortable as the treasurer rather than the president, and she commented that he was probably up in heaven right now offering to look over the books. Thank you, Madam Speaker.

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

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Nicholas R. Mellow, of Waterville, who has attained the high rank and distinction of Eagle Scout

(SLS 330)

- In Senate, **READ** and **PASSED**.

TABLED - February 9, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today 100 years and one day after the Boy Scouts were established to welcome and congratulate Nicholas Mellow from Waterville Boy Scout Troop 436, who will, this Saturday, receive the Eagle Scout Award, the Boy Scouts of America's highest honor. Nicholas is a senior at Waterville High School and has been involved in scouting since kindergarten, a total of 13 years. He is considering in pursuing a career in the military when he's through in Waterville.

Nicholas, his Eagle Scout project was to refurbish Waterville's Lombard's steam log hauler, which many of you may have seen when crossing the Waterville/Winslow bridge, and it was in serious disrepair for over 25 years, a real eyesore to the citizens of Waterville. The Lombard hauler, which resembles a steam locomotive mounted on treads and skis, was a Waterville, Maine invention, which revolutionized the logging industry by allowing for overland transport of large amounts of wood. The City of Waterville and the people of Maine owe Nicholas our thanks for restoring this important piece of Maine history.

The distinction of Eagle Scout is conferred only upon those special people who are willing to work long hours to master a wide variety of survival and social skills, and achieving this honor demonstrates that you know and appreciate your love of country and the importance of being involved in community. Many members, as we know, of this body, past and present, as well as many of our national leaders began their careers as Eagle Scouts. I have every reason to believe that Nicholas's future will be equally bright in whatever future endeavors he pursues. Congratulations to him and best wishes.

Subsequently, the Sentiment was **PASSED** in concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Utilities and Energy Pursuant to Public Law

Representative HINCK for the **Joint Standing Committee on Utilities and Energy** on Bill "An Act Regarding Energy Infrastructure Development"

(H.P. 1274) (L.D. 1786)

Reporting that it be **REFERRED** to the Committee on **UTILITIES AND ENERGY** pursuant to Public Law 2009, chapter 372, Part F, section 4, subsection 6.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 116) (L.D. 352) Bill "An Act To Encourage Veterinary Practice in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-368)**

(S.P. 262) (L.D. 687) Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-363)**

(S.P. 305) (L.D. 791) Bill "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-364)**

(S.P. 455) (L.D. 1222) Bill "An Act To Promote Geothermal Energy in the State" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-369)**

(S.P. 597) (L.D. 1560) Bill "An Act To Eliminate the 3-trap Limit in the Waters off Hancock County" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-367)**

(S.P. 610) (L.D. 1603) Bill "An Act To Amend Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-362)**

(S.P. 614) (L.D. 1649) Resolve, To Increase the Financial Stability of Low-income Families in Maine Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-365)**

(S.P. 652) (L.D. 1680) Bill "An Act To Assist in Reviewing Wind Energy Applications" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-370)**

(H.P. 1203) (L.D. 1702) Bill "An Act To Amend the Laws Governing Advanced Practice Registered Nurses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1219) (L.D. 1718) Bill "An Act To Amend the Laws Relating to Government Records" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-638)**

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. 1144) (L.D. 1616) Bill "An Act To Enhance Newborn Blood Spot Screening To Conform to Federal Newborn Screening Standards"

(H.P. 1217) (L.D. 1716) Bill "An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge"

(H.P. 1245) (L.D. 1751) Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

(H.P. 1246) (L.D. 1752) Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

(H.P. 1072) (L.D. 1522) Bill "An Act To Streamline the Renewal Process for a Permit To Carry a Firearm" (C. "A" H-633)

(H.P. 1095) (L.D. 1553) Bill "An Act To Facilitate Establishment of Watershed Districts" (C. "A" H-631)

(H.P. 1158) (L.D. 1630) Bill "An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product" (C. "A" H-634)

(H.P. 1210) (L.D. 1709) Bill "An Act Concerning the Use of Long-term Antibiotics for the Treatment of Lyme Disease" (C. "A" H-632)

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

(S.P. 505) (L.D. 1389)
(C. "A" S-353)

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

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing the Legislative Youth Advisory Council

(S.P. 386) (L.D. 1022)
(C. "A" S-357)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Develop Model Academic Year Calendars

(H.P. 1100) (L.D. 1563)
(C. "A" H-601)

On motion of Representative SUTHERLAND of Chapman, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-636)** which was **READ** by the Clerk and **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-601)** and **House Amendment "A" (H-636)** in **NON-CONCURRENCE** and sent for concurrence.

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:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-612) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-613) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse"

(H.P. 569) (L.D. 833)

TABLED - February 11, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - Motion of Representative TUTTLE of Sanford to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. The Majority Ought to Pass Report allows that this money would go from the Office of Public Safety to the Office of Substance Abuse. There has been money every year put away from the racino for gambling addition and gambling addition problems that has not been used. This money has been available but it's not been in a situation where people could reach out and take advantage of it. The state now receives a substantial amount of money to the General Fund from the racino in Bangor. We receive money to the General Fund from the lottery. We receive money from the General Fund where nonprofit gaming is also going on. There is a lot of gambling going on in Maine and we feel that it's only responsible to not only present a program for the next few years, to present a program that will be there in the future, that will be able to develop and grow and meet the needs of the citizens of Maine. If the program is not used, if it's made available and people are not taking advantage of it, then we will again, of course, move the money back to the General Fund as we have every year. By moving it to the Department of Substance Abuse, they have provided as part of their screening that they do now, they've changed their screening program where they've asked programs that directly relate to gambling addiction. It is very often found that gambling addiction goes hand in hand with substance abuse, and we feel this is the correct way to deal with this program and to provide responsible policy, considering that we do receive substantial amounts of money to the General Fund from gambling. I hope that you'll support my light and vote in favor of this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to call your attention to basically what the vote is today. This vote is not about whether or not this bill is going to pass or not pass. The people that did not vote for the Majority Report want the bill to pass. They want it to pass in the exact same form except for one item, and that one item is funding. I see many of you looking at your orange or salmon or whatever colored sheet it is, looking through. The difference, this Majority Report that is before you

right now puts the funding into statute. You see it here in statute for the fiscal year beginning July 1, \$50,000, going to \$100,000, then going to \$115,000; \$130,000; \$145,000; \$160,000; \$175,000; \$190,000; \$205,000; \$220,000; \$235,000; up to \$250,000 in 2023. This is in statute. This would need to be changed if we find that there is not a problem for it. In these financial difficult times we have wouldn't any organization, wouldn't any group, wouldn't any department in the budget want to be guaranteed in statute an increase in their budget every year for the next year until 2023? That is what the Majority Report is saying, and that is the only difference on the Majority Report from the people who did not vote for it.

What I also want to call is your attention to several other quotes that we had in our committee hearing during this. There were lots of questions posed to Robert Welch, who is head of the Gambling Control Board. One of the questions is we understand that no one has made use of the day one gambling addiction program. Specifically, how much money has come into the program? So in 2006, in '07 and '08, they had a total of \$60,000, and you know what we spent that on? Not gambler, not gambling addiction, on setting up a database, on doing training sessions and having administrative costs covered. The next question we asked them, to provide monthly financial and narrative reports. Please provide us with copies for the fiscal years. Their answer? Monthly reports have been sent to the Office of Substance Abuse, but there are no monthly charges for services since there has been no use of the program. When asked also what entry points for data are there for potentially addicted gamblers, we have personal family, medical court referrals, mailings by the sheriffs, the state police, by Hollywood Slots, websites for the Department of Health and Human Services, the Office of Substance Abuse, the Gambling Control Board, and Hollywood Slots. We have had this program since 2006 and we don't have problem gamblers that have taken advantage of this and come into the system, so why are we increasing it from \$50,000 to \$250,000 in statute? I say, and others say on our committee when we reviewed this, yes, let's put it into the Office of Substance Abuse, let's put this money aside, and let's see if there is a problem and we can grow it. We would grow it to \$75,000, and then as every other department and every other line item, let them go to the Appropriations Committee, in two or three or four years and prove that there is a problem and get additional money as everybody else does. If you vote the Majority Report, this money is in statute and you will have to now come back and take it away after you've given it. I would rather see if there is a problem and get them additional money and compete for this like everybody else does in the State of Maine.

One of the things I want to call your attention to is that Hollywood Slots has a self exclusion list. This means that anybody who does not want to go into the racino to gamble can put themselves on a list. It varies. Hollywood Slots has about 100 people on the self exclusion list. Hollywood Slots has been a very good neighbor. When we allowed gambling first in the State of Maine, we thought that there was going to be a huge problem at Hollywood Slots. There is no problem. Hollywood Slots has been a good neighbor, they set up a self exclusion list, they do mailings, they have a website, they have their own programs. What I'm saying is that this should not be in statute. That is why I'm urging you to vote against the pending motion, which is the Majority Report. Do we want the bill to pass? Yes, we want it to pass. You will have an opportunity to do that. But do not put in statute this cascade you have until 2023. That is the function of the Appropriations Committee after they have determined that there is a need. The only thing we have determined so far is that nobody has used the program. We have a gambling addiction

hotline on the back of the lottery tickets and on 211, and testimony before our committee said all of the people who call on this hotline are basically calling because they want the results of the lottery for that day, and they mistake this number, and we're getting call after call, after call from people who want to know what were their numbers for that day. They are not calling for gambling addiction; they are not calling on this hotline. They just want to know the results of the lottery. So actually we're spending a lot of money on calls that are unnecessary. So I just really would like to point out that this is a good bill, I am for this bill. I am for doing it; I am against the funding portion of the bill. I am against going from \$50,000 to \$250,000 when we have not proved in the last three years that anyone has taken advantage of this. If we have a lot of people, then let it go to Appropriations in three years and let them budget the money accordingly. Thank you.

Representative TUTTLE of Sanford **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Number one, being on the minority side of everything doesn't mean you are on the wrong side. I rise in opposition to the pending motion. We started funding the gambling addiction services at \$100,000 annually for the period 2006 through 2008. Since not one person used this service during this period, it was cut to \$50,000 annually for the current biennium. Still no takers. In spite of handouts and so forth, advising them over the program for addictive gambling, this bill wants to take \$50,000 annually for the next three years, transfer it to Health and Human Services, and increase it to \$100,000 by \$100,000 in 2013, and incrementally \$15,000 annually until 2023, when it hits the \$250,000 mark. I have no problem using the funds from the slot machine revenue to fund gambling addiction if it is necessary. In four years, not one person has applied for help. Please ask yourself before you push your green button, should we be funding this project through 2023 without knowing if it is needed? Please, let's fund it for the biennium, wait for the report from Health and Human Services and let future legislatures decide what the level of funding should be. Please vote no on this motion. Thank you, Madam Speaker, and I would request a roll call.

Representative **PINKHAM** of Lexington Township **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 Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Madam Speaker. As a sponsor of the bill, I want to speak briefly to the intent and what I believe to be the intent of an issue that we worked in committee for a number of years. The State of Maine gets about \$70 million a year from gambling. If there is a problem that is created there, the State of Maine should be part of helping to fix that problem. It is that simple. That is an idea that was put forward in statute when we created the racino law.

Now it has been said that nobody has used it and that is a statistic that has frustrated and infuriated 13 members of our committee. Zero is not a real number. If five people have used it, that is a problem that doesn't need to be fixed. Zero means there is no attempt to get out and find people. Zero means that there is no mechanism to see if there is a problem to be fixed.

So we thought about it and the basic point is this: If you had an addiction problem, if you had a gambling addiction problem and you were at a place that had law enforcement when you were gambling, or not, would you go to your cop or would you go to a doctor? This bill is premised on the idea that, if you have an addiction, you are probably going to go to a doctor or some other health care professional. It is that simple. I ask you to vote for the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would just like to clarify a couple of issues. As Representative Carey suggested, there is grave concern on our committee that this money was created through the racino, has not been used because it has not been able to reach the people that need it. The Department of Public Safety is not in a position to be reaching these people.

The second question is why would we extend the money? If the money isn't being used, it will go back into the General Fund just like it does now, just like it does in everyone's committee. If the money is there, it gets swept right back into the General Fund. This just creates a mechanism where the money will continue to grow as it was intended. It was intended to be a percentage of the total amount of money that came into the General Fund from the racino. That percentage is growing and could well grow more, so rather than do a percentage we just did a small gradual amount that would continue to grow. But rest be assured, if the money isn't used, it goes right back to the General Fund. I think we are all familiar with that circumstance where money in our different budgets that we deal with goes back into the General Fund. I don't see that as a problem. We're just setting this up on a long-term basis so we won't be dealing with it three years down the road. That's all we did. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Before I begin, I'd like to reiterate a statement that was made a short time ago that every member of that committee, I think, recognizes that need to provide assistance for people who suffer with this addiction, if, in fact, you can find them. Consequently, both reports request that some level of assistance be provided.

In past budgets, this Legislature has consistently recognized this potential problem and has included a review source to meet this challenge. The conflict here is that there have been few, if any, individuals who have requested Day One service. For whatever reason, they have failed to come forward and take advantage of this program. I certainly wish they would. Then there would be some justification, I think, for increasing the amount of money that we put in the program. Consequently, the money has never been utilized for its intended purpose, a purpose each member of the committee recognizes as both an obligation and a responsibility of the state.

The report we are about to vote on substantially increases the amount of money appropriated to meet the needs of those afflicted with this addiction. It is asking you to vote yes to increase spending on a program that to date has not come near to exhausting present allocations. I personally recognize the value in extending a helping hand to those who find themselves in this situation, but I first want to be certain that this population for which we are expanding the funding can be accurately identified and is willing to come forward to acquire the assistance. Given the historical record relative to the use of these funds, I believe we are more than justified in defeating this measure.

Though not available at the levels called for in the Majority Report, this program will continue to be adequately funded to meet existing demands. Therefore, I hope you will vote no on the existing motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to clarify a couple of points that was mentioned that saying where a lot of these brochures are handed out, and it was mentioned that people don't necessarily get them from the police or the sheriffs or anything else. I want to point out to you, also on the sheet, one of the questions that we asked for Robert Welch. What data exists for crossover between gambling addiction and other addictions? The answer to that was in a study in 2005 that found that, out of people with gambling problems, 75 percent also have an alcohol disorder, 38 percent had a drug use disorder and 60 percent had a personality disorder, and this is very important because I want to note to you that all of these—alcohol addictions, personalities, drug use—they are all funded in different portions of the budget already. So probably somebody with a gambling problem is already talking to a counselor, they are already in counseling because 75 percent of them are already in counseling for an alcohol disorder on it. So we do have a lot of crossovers, so we are reaching out to a lot of people on that.

The other thing I just wanted to point is that I agree, again, with the sponsor on taking it out of Public Safety and putting it into Substance Abuse, and that is why if you vote down the Majority Report you will exactly do that in the next opportunity that you have to vote. This is exactly the same except for the funding. And as far as the argument on every account can be swept, I don't go along with sweeping an account if you know its being over funded to begin with or if you don't know how much the funding is going to be. I would rather put in what we think is an adequate amount of funding so that we can go out and do the work and reach these people and see if there is a problem, and then if there is a problem, come back and fund it. But I don't think we should be putting things in to statute with the intention we can sweep it if we don't need the money. So I would urge you just to vote against the Majority Report at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First, I'd like to sincerely thank the good Representative from Saco and the others who have spoken in opposition to the Majority Report before us this morning for so articulately stating what I have waited eight years to hear, and that is to say that we in this chamber ought to express our appropriations support only on the relation to the needs demonstrated and the resources available and not get persuaded into putting automatic pilot relationships in statute, tying them to a stream of revenue without any sort of intended documentation of need. This, to me, is like putting money into a place where it's automatically set aside and earmarked for a service that isn't being used. While I recognize that the Representative from Waterville has stated that the money could be taken back, it would go into a program area which is always strapped and would most likely be spent and could only be taken back into the General Fund by conscious deappropriation. So I think that the approach taken by the minority signers of the bill is the much preferred approach, and I do want to say and not attempting to dismiss the role of the Legal and Veterans Affairs Committee. I applaud what they are trying to do. In fact, we in Appropriations had a couple of conversations

about this cascade, which has existed since the Hollywood Slots program went into effect, and asked that they take a look at the cascade as it exists today and update it in accordance both with the flow of revenues and the documented need for those revenues. So I think it would be a better step this morning to reject the Majority Report, adopt the Minority Report, and let the two committees work this out at the point where it gets to the Appropriations table. We should not ever, and particularly these circumstances, earmark moneys for which there is no documented need, and I thank the Representatives who have come to that conclusion this morning and I hope you will join me in supporting them.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Madam Speaker, is it true that to vote yes, green, on this bill means that we, the members of the House of Representatives of the State of Maine, are unwilling to reduce funding for a program that has never been used?

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. 265

YEA - Beck, Berry, Blodgett, Bryant, Cain, Carey, Cornell du Houx, Crockett P, Duchesne, Eves, Goode, Haskell, Hinck, Kent, Magnan, Martin JL, McCabe, Perry, Pieh, Piotti, Pratt, Priest, Rotundo, Smith, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Watson, Webster, Madam Speaker.

NAY - Austin, Beaudette, Beaudoin, Beaulieu, Bickford, Blanchard, Bolduc, Briggs, Browne W, Burns, Butterfield, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Cotta, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Greeley, Hamper, Hanley, Harlow, Harvell, Hayes, Hill, Hogan, Hunt, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Martin JR, Mazurek, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Peterson, Pilon, Pinkham, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Welsh, Wheeler, Willette, Wright.

ABSENT - Adams, Ayotte, Boland, Clark T, Connor, Crafts, Giles, Innes Walsh, Miller, Percy, Russell, Tardy.

Yes, 33; No, 106; Absent, 12; Excused, 0.

33 having voted in the affirmative and 106 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative VALENTINO of Saco, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (H-613) was READ** by the Clerk.

Representative VALENTINO of Saco **PRESENTED House Amendment "A" (H-635) to Committee Amendment "B" (H-613),** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This

amendment was the exact same amendment that was actually being offered also on the Majority Report. It is just to remove the appropriations and allocations section for this year. Everything else is exactly the same.

Subsequently, **House Amendment "A" (H-635) to Committee Amendment "B" (H-613) was ADOPTED.**

Committee Amendment "B" (H-613) as Amended by House Amendment "A" (H-635) thereto was ADOPTED. The Bill was assigned for **SECOND READING** Tuesday, February 23, 2010.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions

(H.P. 1057) (L.D. 1508)

TABLED - February 17, 2010 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative CLARK of Millinocket, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 699)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 23, 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 items appeared on the Consent Calendar for the First Day:

(H.P. 1239) (L.D. 1742) Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 857) (L.D. 1238) Bill "An Act Concerning the National Animal Identification System" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-641)**

(H.P. 1113) (L.D. 1575) Bill "An Act To Establish a Residential Wood Stove Replacement Fund" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-642)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-639)** on Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

(H.P. 1061) (L.D. 1512)

Signed:

Senators:

JACKSON of Aroostook
COURTNEY of York

Representatives:

BOLAND of Sanford
CELLI of Brewer
WILLETTE of Presque Isle
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-640)** on same Bill.

Signed:

Senator:

SIMPSON of Androscoggin

Representative:

HAYES of Buckfield

READ.

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

Representative HAYES of Buckfield **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: 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. 266

YEA - Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sanborn, Sarty, Saviello, Schatz, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Hayes.

ABSENT - Adams, Ayotte, Boland, Clark T, Connor, Crafts, Giles, Miller, Percy, Russell, Shaw, Tardy.

Yes, 138; No, 1; Absent, 12; Excused, 0.

138 having voted in the affirmative and 1 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-639)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 23, 2010.

SENATE PAPERS

Bill "An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws"

(S.P. 698) (L.D. 1787)

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

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:

(S.P. 654) (L.D. 1682) Bill "An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-372)**

(S.P. 669) (L.D. 1746) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2011" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-371)**

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 EBERLE of South Portland, the House adjourned at 11:46 a.m., until 10:00 a.m., Tuesday, February 23, 2010 pursuant to the Joint Order (S.P. 699) and in honor and lasting tribute to Timothy D. Carr, of South Portland.