

MAINE STATE LEGISLATURE

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

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
15th Legislative Day
Tuesday, February 23, 2010

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

Prayer by Reverend Kenneth I. Lewis, Green Memorial African Methodist Episcopal Zion Church, Portland.

National Anthem by Abbott Hill Ramblers, Cambridge.

Pledge of Allegiance.

The Journal of Thursday, February 18, 2010 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 275)

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

February 23, 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":

Business, Research and Economic Development

L.D. 1701 An Act To Facilitate an Increase in Sales of Motor Vehicles

Education and Cultural Affairs

L.D. 160 An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure

L.D. 1729 An Act To Form a Western Maine Regional School Unit (EMERGENCY)

L.D. 1732 An Act To Allow a Municipality To Withdraw from a Regional School Unit

L.D. 1733 An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization (EMERGENCY)

L.D. 1734 An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009 (EMERGENCY)

L.D. 1757 An Act To Create Fair Education Funding for Regional School Units

Health and Human Services

L.D. 1615 An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs (EMERGENCY)

Natural Resources

L.D. 1577 An Act Concerning the Establishment of Water Levels

Taxation

L.D. 1253 An Act To Establish a Local Option Sales Tax

L.D. 1636 An Act To Encourage Extended Stays in Maine Waters

Transportation

L.D. 1320 An Act To Ensure the Availability of Alcohol-free Motor Fuels

L.D. 1555 An Act To Require the Bureau of Motor Vehicles To Accept Certification of Disability from the United States Department of Veterans Affairs

Utilities and Energy

L.D. 1652 An Act To Provide More Information to the Public Advocate

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. 276)

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

February 23, 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 Education and Cultural Affairs has approved the request by the sponsor, Senator Alford of Cumberland, to report the following "Leave to Withdraw":

L.D. 1654 An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

The Following Communication: (H.C. 277)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

February 19, 2010

TO: Honorable Elizabeth H. Mitchell, President of the Senate
Honorable Hannah M. Pingree, Speaker of the House

FROM: S/Beth L. Ashcroft, Director

RE: Emergency Communications in Kennebec County

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on Emergency Communications in Kennebec County. The report is also available on our website at <http://www.maine.gov/legis/opega/Reports.html>. The public comment period on this Report has been scheduled for Friday, February 26, 2010 at 9:30 a.m. in Room 216 Cross Building. If you have any questions, please do not hesitate to give me a call.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Clarify Exemptions in the Milk Handling Fee" (EMERGENCY)

(H.P. 1276) (L.D. 1788)

Sponsored by Representative FLEMINGS of Bar Harbor.

Cosponsored by Senator NASS of York and Representatives: BERRY of Bowdoinham, CLEARY of Houlton, EATON of Sullivan, O'BRIEN of Lincolnville, PIOTTI of Unity, PRATT of Eddington, SMITH of Monmouth, Senator: JACKSON of Aroostook.

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

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency"

(H.P. 1281) (L.D. 1793)

Sponsored by Representative PERRY of Calais. (GOVERNOR'S BILL)

Cosponsored by Senator BARTLETT of Cumberland and Representative: PRATT of Eddington, Senator: PERRY of Penobscot.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative HASKELL for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

(H.P. 1277) (L.D. 1789)

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

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

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:

Todd Brackett, of Nobleboro, who is the recipient of the Maine Sheriffs' Association Presidential Citation Award. The award is given each year to someone who has made significant contributions to the Maine Sheriffs' Association, someone whose contributions and hard work go above and beyond the call of duty. Sheriff Brackett is the President of the Maine Sheriffs' Association and has rejuvenated the association with the new tagline "One Team, One Mission." He is to be commended for representing the Maine Sheriffs' Association at the state level while maintaining his full-time job and responsibilities as the Sheriff of Lincoln County. We extend our appreciation to Sheriff Brackett for his commitment to the citizens of the State and congratulate him on his receiving this award;

(HLS 894)

Presented by Representative PIEH of Bremen.

Cosponsored by Senator TRAHAN of Lincoln, Representative FOSSEL of Alna, Representative MacDONALD of Boothbay, Representative McKANE of Newcastle, Representative MILLER of Somerville, Senator GOODALL of Sagadahoc.

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I first met Todd Brackett, he was a canine cop, and he had worked with his dog Cliff and was a treasured part of the Lincoln County Sheriffs' group, and later Todd went on to be the Chief of Police of Damariscotta, and somewhere in that time he said to me, you know, someday I'd like to be the Sheriff of Lincoln County, and he did continuing education, worked really, really hard and he is now our sheriff and I'm really proud of that. Todd is someone who's not afraid to try something new. In our town of Bremen, we don't have any police force, of course we don't need it, but we do need a shellfish warden who is good, and we were able to work out, through Sherriff Brackett, an agreement where a deputy from the force who is with the Lincoln County Sheriff's Department is actually our shellfish warden. It hasn't been easy, it was complicated but he didn't back off. I think any time that something new comes up, Todd doesn't just say no, which would be easy and maybe in law enforcement even easier. He says well maybe, well let's try it. I just want to say I'm really proud to call him my friend. Thank you.

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. It's a great pleasure for me to stand here recognizing Sherriff Brackett. As the Chair of the Criminal Justice and Public Safety Committee, I have probably seen more of Sherriff Brackett than any one in his family, or maybe even in his county, over the last year. As the Co-Chair of the Board of Corrections Working Group, there has never been a better representation of the phrase "tireless advocate". Sherriff Brackett has been a tireless advocate for the combined prison/jail system. He has been a voice for the counties. He has never backed down in bringing the county issues in front of that board. His voice has been heard loud and clear and many, many of the successes are because of the work that Sherriff Brackett has done in representing the counties on the Working Group of the Board of Corrections, and it's a great pleasure to recognize him on this honor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Every year in Damariscotta there is an event called Guys in Gowns. It's a benefit for youth promise and I'm lucky enough to be roped into being MC every year, and we can count on Sherriff Brackett and his deputies to entertain us, dressing up as lovely young ladies and dancing and singing. I also want to thank Sheriff Brackett for being such a wonderful dance partner. He's got to figure out who leads though when we dance together. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in addition to add my voice to the congratulations to Sherriff Todd Brackett on the receipt of this award and remember, or know, that he's working on new projects like alternatives to incarceration that will help reduce our jail costs and help reduce the number of people that have to go to jail. I congratulate him on his flexibility. That's the kind of thing that I think got him this award. Congratulations to Sheriff Brackett on this occasion. Thank you, Madam Speaker.

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

Recognizing:

R. Wayne Werts, of Auburn, on the occasion of his retirement from the Auburn Fire Department after 33 years of dedicated service. Chief Werts began at the Auburn Fire Department on May 2, 1977 and became fire chief on March 22, 2001. During his time in the department he earned an associate degree in fire science and became a paramedic. He was president of the union for 6 years and serves on the Maine Fire Chiefs' Association Board of Directors representing Androscoggin County and the Maine EMS Board as the Municipal EMS Provider Representative. Chief Werts served as the chair of the Maine EMS Board for 2 years and is on the task force of the All Hazards Training Facilities study. He has worked as an EMS instructor, teaching throughout Maine and internationally. We extend our appreciation to Chief R. Wayne Werts for his commitment to the citizens of the State and wish him well in his future endeavors;

(HLS 900)

Presented by Representative BICKFORD of Auburn.

Cosponsored by Senator SIMPSON of Androscoggin, Representative BEAULIEU of Auburn, Representative BOLDUC of Auburn.

On **OBJECTION** of Representative BICKFORD of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As you've heard a list of some of the accomplishments of Chief Werts, I feel it's important that I point out that Chief Werts, in addition to his already full schedule in 1998, was appointed as interim director of the Lewiston-Auburn 911. Also, his organized trauma training took him to such locations as Ireland and Northern Ireland. On a personal note I want to point out that in my short tenure as councilor on the Auburn City Council, I came to learn to have a lot of respect for Chief Werts because of his genuine, sincere approach. He always spoke clearly, softly and

eloquently, as well as being a true diplomat. Chief Wayne Werts has certainly earned the respect of being one of Auburn's finest.

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. I appreciate the opportunity to thank Chief Wayne Werts for his expertise, his outstanding leadership and his loyalty and commitment to the fine citizens of the Auburn community.

Twelve years ago, while a resident of Lewiston, I personally experienced the ravages of a home fire, so I can attest to the excellent work performed daily by the likes of Chief Werts and those individuals he served with and eventually came to lead. Interestingly, our own Representative Mike Lajoie was moving up the ranks of the Lewiston Fire Department at that time and would become their chief as well. To say the least, it is not an easy task to master the duties and responsibilities of this job, particularly when you consider the budget constraints, the growing complexities of technological change and the various political issues which arise on a daily basis. Being able to do so successfully for 33 years and to ultimately attain the position of chief is a testament to Wayne's commitment to excellence, and his respect and loyalty to the profession and the Auburn community. I'd like to congratulate Chief Werts and his family, particularly his wife, Debbie, who accompanies him today, and extend my thanks and the appreciation of the citizens of Auburn for his years of service to our city. Thank you, Madam Speaker.

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

Representative **LAJOIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would also like to congratulate Chief Wayne Werts on behalf of the Lewiston Delegation. Personally I worked with Chief Werts for probably 30 years, and we went through a lot together as firefighters responding to mutual aid, not only in our respective cities but outside. However, I had an opportunity to work with him as fire chief. The collaboration between the two departments was excellent. We collaborated our training programs, our purchasing programs, as well as other safety programs. It's difficult at times to leave the fire service and I understand what he went through and the difficulty; however, I've made it and I believe he's going to make it as well. Also, I should also advise him that in the future there will be the ability to become a state legislator and he should seriously think about it. Thank you, Madam Speaker.

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

In Memory of:

Katarina Voit, of Kennebunk. Mrs. Voit was born in Ulm, Germany in 1900, came to the United States in 1929 and was naturalized as an American citizen in 1939. She married her husband Max in 1933. Together they helped raise a young girl who became Mrs. Voit's lifelong friend. In 2006 she received the Boston Post Cane for being the oldest resident of Kennebunk. While a resident of the Kennebunk Nursing and Rehabilitation Center, Mrs. Voit enjoyed singing and bowling. She would sing "O Tannenbaum" in German for the other residents during the center's Christmas party. Mrs. Voit would sit in the front hallway of the center greeting visitors, dressed in an aqua vest and Mardi Gras beads. She watched the Lawrence Welk Show every day. Mrs. Voit will be missed by all who knew her;

(HLS 895)

Presented by Representative LEGG of Kennebunk.

Cosponsored by Senator SULLIVAN of York, Representative CONNOR of Kennebunk.

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. Katie Voit definitely lived a long, full and spirited life. When she passed away just before the start of this new year, she was Kennebunk's oldest citizen. She was 109 years young. As Kennebunk's oldest person, Katie kept good care of a very special gold-topped ebony cane. It seems that in 1909, the publisher of the *Boston Post*, Edwin Grozier, gave to boards of selectmen in 700 towns what he called the Boston Post Cane. The goal of these gifts is to honor each town's oldest living individual. Katie Voit was most proud to receive and hold Kennebunk's Boston Post Cane and this award did make her something of a celebrity in her retirement community.

Katie did not arrive in America until she was almost 30 years old. For the next 80 years she enjoyed an energetic and given life as a true American, but there was one time when that life was in great jeopardy.

In 1939, the Voits returned to Germany for a visit with Katie's family. As the Nazis prepared to invade Poland and England and France prepared to declare war on Germany, Katie and Max rushed to get out of the country and back to America. The couple waded through office after office of German bureaucracy but the government refused to release the Voits' passports. Finally, a German official learning of Max's skills as a mechanic cut a deal. He would return the precious travel documents if Max fixed his car. In what surely must have been the most important and stressful repair job in his life, Max was eventually able to fix the automobile and the Voits left on one of the last passenger ships to sail from Germany to America during that period.

During their life in America, Katie and her husband, Max, took in a young girl and raised her as their own. The young girl grew to be a talented and creative professional artist. Her name is Ellen Pelletier and she and her husband, Al, who is an admired artist and craftsman, are with us today to honor to Katie Voit. One interesting story from Ellen and Katie's long and enduring family relationship occurred when Katie lost her beloved husband when she was 78 years old. At that time, Katie had not yet learned to drive. She called upon Ellen to teach her how to drive so she could be more independent. Fortunately, for both Ellen and Katie, they emerged from that adventure unscathed.

In Maine terminology Katie Voit was a real pistol. She filled her life and the lives of those around her with joy and a giving purpose. We were fortunate to have Katie Voit as our proud keeper of Kennebunk's Boston Post Cane. We are very glad that Katie did come to America to seek a better life and, indeed, she found one.

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

In Memory of:

Wilbert B. Small, a lifelong resident of West Bath. Mr. Small was educated in the Littlefield Schoolhouse on the Berry's Mill Road, graduated from Morse High School and was a member and president of the Morse High School Alumni Association. Mr. Small served in the United States Army during World War II and was stationed in Italy, where he was a technician, 4th grade. He worked 34 years for the civil service, working at the Navy Fuel

Depot in Harpswell, on the Coast Guard Base in South Portland and at the Bath Post Office. In 2008, Mr. Small and his wife received the West Bath Board of Selectmen's Special Recognition Award for their many years of community service. He was a member of the West Bath Grange, the E911 Committee, the WINNS Committee, the West Bath Historical Society, the Tri-Town Winnegance Alewife Commission and the American Legion Smith Tobey Post 21 in Bath. He served as a volunteer fireman and was fire chief of the West Bath Fire Department. The fire department dedicated the Squad 8 fire truck to him. Mr. Small enjoyed farming, putting on clambakes and being active in the West Bath community. Mr. Small will be sadly missed by his family and friends and his community;

(HLS 899)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Senator GOODALL of Sagadahoc, Representative KENT of Woolwich, Representative WATSON of Bath.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When you read the special sentiment for Wilbert Small, all of us recognize people just like Wilbert in our communities, people who are dedicated and love our small towns. He was one of my favorite people to talk to when I would run into him at town meetings or down at the fire station because he always had the pulse of the community, he knew what was happening, and he is one of the people I will miss most from my legislative career. The thing that isn't fair, Ladies and Gentlemen, Wilbert was a member of the Grange, and the West Bath Grange went through a small period of time where they didn't meet. Everyone, most of the older folks had died off, and there was just a core group. They had leased the building out to another organization for a while. Well within the last two years, they decided to get going again and it was very exciting. This past winter they had their first supper. What isn't fair is that when Wilbert left the supper, he was hit by a car crossing the road to go home. So it is just a deep sadness for our community because he died too soon. I invited Mrs. Small to come up and she was quite touched that we would do this for her husband, but she said it's just too much right now, Leila. So I wanted to rise and share with you a story about somebody who just was the heart and soul of West Bath and we will miss him very, very much. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Refer to the Committee on Legal and Veterans Affairs

Pursuant to Resolve

Representative TRINWARD for the **Joint Standing Committee on Legal and Veterans Affairs** on Bill "An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues"

(H.P. 1278) (L.D. 1790)

Reporting that it be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** pursuant to Resolve 2009, chapter 137, section 6.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent for concurrence.

**Refer to the Committee on Judiciary
Pursuant to Statutes**

Representative PRIEST for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings"

(H.P. 1279) (L.D. 1791)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

**Refer to the Committee on Judiciary
Pursuant to Statutes**

Representative PRIEST for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"

(H.P. 1280) (L.D. 1792)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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:

(H.P. 1063) (L.D. 1514) Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 1065) (L.D. 1516) Bill "An Act To Amend the Charter of the Dexter Utility District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1237) (L.D. 1740) Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1248) (L.D. 1754) Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou Bridge (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 60) (L.D. 71) Bill "An Act To Raise the Property Tax Exemption for Veterans" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-644)**

(H.P. 187) (L.D. 233) Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-647)**

(H.P. 1075) (L.D. 1525) Bill "An Act To Amend the Charter of the Buckfield Village Corporation" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-649)**

(H.P. 1131) (L.D. 1593) Bill "An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry" (EMERGENCY) Committee on **MARINE**

RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-643)

(H.P. 1229) (L.D. 1731) Bill "An Act To Amend the Bingo Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-646)**

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. 116) (L.D. 352) Bill "An Act To Encourage Veterinary Practice in Maine" (C. "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 (C. "A" S-363)

(S.P. 305) (L.D. 791) Bill "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs" (C. "B" S-364)

(S.P. 597) (L.D. 1560) Bill "An Act To Eliminate the 3-trap Limit in the Waters off Hancock County" (C. "A" S-367)

(S.P. 610) (L.D. 1603) Bill "An Act To Amend Laws Administered by the Department of Environmental Protection" (C. "A" S-362)

(S.P. 614) (L.D. 1649) Resolve, To Increase the Financial Stability of Low-income Families in Maine (C. "A" S-365)

(S.P. 652) (L.D. 1680) Bill "An Act To Assist in Reviewing Wind Energy Applications" (C. "A" S-370)

(S.P. 654) (L.D. 1682) Bill "An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources" (C. "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" (C. "A" S-371)

(H.P. 1203) (L.D. 1702) Bill "An Act To Amend the Laws Governing Advanced Practice Registered Nurses"

(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)

(H.P. 857) (L.D. 1238) Bill "An Act Concerning the National Animal Identification System" (C. "A" H-641)

(H.P. 1113) (L.D. 1575) Bill "An Act To Establish a Residential Wood Stove Replacement Fund" (C. "A" H-642)

(H.P. 1219) (L.D. 1718) Bill "An Act To Amend the Laws Relating to Government Records" (C. "A" H-638)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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.

(S.P. 455) (L.D. 1222) Bill "An Act To Promote Geothermal Energy in the State" (C. "A" S-369)

On motion of Representative PIOTTI of Unity, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING
House as Amended

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)
(H. "A" H-635 to C. "B" H-613)

Bill "An Act To Amend the Laws Governing the Somerset County Budget Procedure" (EMERGENCY)

(H.P. 1061) (L.D. 1512)
(C. "A" H-639)

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.

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

Representative BROWNE of Vassalboro assumed the Chair. The House was called to order by the Speaker Pro Tem.

ENACTORS
Emergency Measure

An Act To Amend the Charter of the Caribou Utilities District
(H.P. 1064) (L.D. 1515)
(C. "A" H-614)

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. 115 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case

(H.P. 1171) (L.D. 1643)
(C. "A" H-618)

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. 118 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

(H.P. 1067) (L.D. 1517)
(C. "A" H-608)

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. 114 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems

(H.P. 1098) (L.D. 1556)
(C. "A" H-609)

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. 118 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act Regarding Gaming by Charitable Organizations
(H.P. 934) (L.D. 1330)
(C. "A" H-611)

An Act To Update the Laws Concerning the Maine School of Science and Mathematics
(H.P. 1101) (L.D. 1564)
(C. "A" H-605)

An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations
(H.P. 1114) (L.D. 1576)
(C. "A" H-615)

An Act To Change the Penalties for Writing Bad Checks
(H.P. 1126) (L.D. 1588)
(C. "A" H-616)

An Act To Authorize Sanitary Districts, Water Utilities and Sewer Districts To Waive an Automatic Lien Foreclosure
(H.P. 1127) (L.D. 1589)
(C. "A" H-600; H. "A" H-630)

An Act To Create the Lincolnville Sewer District
(S.P. 607) (L.D. 1601)
(C. "A" S-360)

An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card
(H.P. 1140) (L.D. 1612)
(C. "A" H-617)

An Act To Provide for the Safety of Maine Athletes
(H.P. 1168) (L.D. 1640)
(C. "A" H-603)

An Act Relating to the Maine Aeronautical Advisory Board
(S.P. 628) (L.D. 1663)
(C. "A" S-358)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Create 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)

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

On motion of Representative TARDY of Newport, 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 PRO TEM**: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a quick reminder about what we are about to vote on. We are creating a new program, a permanent program, a recurring cost. The cost is small but, again, I ask you to determine in your own mind where this fits in that vertical list of priorities because, later in this session, I'm sure we are going to be looking at some recommendations to eliminate a program. This program, in my opinion, doesn't fit very high in those priorities and I'm afraid we're going to have to eliminate even some priority programs. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to briefly remind members of the body here that you are voting on a bill that does not create a new program, that does not have a fiscal note and does some wonderful work statewide on collaboration for effective economic development that focuses on the assets that Maine has. It's about local decision-making. It's a fabulous bill. I encourage you to vote for the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In this particular bill, the State Planning Office is the one that's actually going to shepherd this and oversee it. In a briefing before the committee I sit on, I questioned if this was in fact within the auspices of the State Planning Office. It melds very well with economic development and tourism, and when posed that question, the answer was collaboration. This is a bad bill, it's in the wrong place and it costs money, and I would defer to anyone in the House that would like to refute that. Thank you.

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

Representative **GILES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise not to refute what the good Representative from China just said but to add support to it. In my role on BRED, I had the opportunity to review this bill, review the discussion, and as I have stated several times in this chamber regarding this that when you talk about quality of place in Maine, this is something that is important to us. I think we support it at all levels. But what this bill does is it takes a special council which was appointed by the current administration, and our dear Chief Executive is going to be terming out in 2010, and it makes this council while it was an initiative of his administration, it makes this permanent. I truly think that if this is a strategy that the next Governor, whoever he or she may be in this state, wants to pursue, they should be allowed to do that. But I think for us to take an initiative and make it permanent, they've been able to create this without a

fiscal note but when you read carefully the legislation, there is additional work that is going to be required from our regional economic development districts, there is an annual report required to the Governor's Office, and there is a twelve member council that needs to be supported. I truly am concerned with the fact that this is taking an item known as quality of place and trying to create an agency or a council to manage that, versus trying to think of quality of place that should be incorporated into what we do in our local work and what we do throughout state government and not necessarily being managed by one entity. So I would also encourage people to vote against this legislation. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. We have already debated this bill, I have no interest in doing so again, but I do ask that the Clerk please read the Committee Report.

Representative **BERRY** of Bowdoinham **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER PRO TEM**: 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. 267

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Trinward, Valentino, Wagner R, Watson, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgcomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Lewin, Magnan, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Wagner J, Weaver.

ABSENT - Ayotte, Beck, Boland, Clark T, Cleary, Cornell du Houx, Flemings, Langley, Lovejoy, Perry, Pratt, Priest, Treat, Tuttle, Van Wie, Webster.

Yes, 76; No, 59; Absent, 16; Excused, 0.

76 having voted in the affirmative and 59 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The following items were 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 Thursday, February 18, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-591)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Joint Order, To Amend the Joint Rules To Require Agreement with the Legislative Code of Ethics (H.P. 107)

TABLED - January 28, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative MARTIN of Eagle Lake, the Joint Order and accompanying papers were **COMMITTED** to the Joint Select Committee on **JOINT RULES** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-645)** on Bill "An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages" (EMERGENCY)

(H.P. 1156) (L.D. 1628)

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
NASS of Acton
RUSSELL of Portland

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

Signed:

Representatives:

CAREY of Lewiston
CORNELL du HOUX of Brunswick

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-645)** was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-645)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 1221) (L.D. 1720) Bill "An Act Related to Qualified Waste-to-energy Power" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-650)**

There being no objections, the above item was 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 25, 2010 in honor and lasting tribute to Katarina Voit, of Kennebunk, Lois Bolstridge Bowers, of Bangor and Wilbert B. Small, of West Bath.