

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 28, 2009 – June 12, 2009

Second Regular Session

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
17th Legislative Day
Tuesday, March 2, 2010

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

Prayer by Pastor Veronica Gonsior, Cundy's Harbor Community Church.

National Anthem by Massabesic High School Chamber Singers, Waterboro.

Pledge of Allegiance.

Doctor of the day, Paul Liebow, M.D., Bucksport.

The Journal of Thursday, February 25, 2010 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 703)

**JOINT RESOLUTION DECLARING FEBRUARY 25, 2010
SPAY DAY MAINE 2010**

WHEREAS, more than 20,435 dogs and cats entered the 8 largest animal shelters in Maine, out of 100 licensed shelters, during 2007, the most recent year for which substantial data is available; and

WHEREAS, approximately 40% of these animals were not reclaimed by their owners or were not adopted by new owners and therefore were euthanized; and

WHEREAS, in many instances the animals are young, healthy and friendly creatures that are euthanized simply because there are not enough good homes for them; and

WHEREAS, an additional unknown number of Maine animals die each year due to abandonment, neglect, abuse, starvation or cruelty; and

WHEREAS, the cost to State Government and nonprofit agencies of handling and euthanizing discarded animals is estimated to exceed tens of millions of dollars per year; and

WHEREAS, the spaying or neutering of dogs and cats helps solve this tragic and costly problem by reducing the number of dogs and cats that end up in shelters; and

WHEREAS, it is the intent of the Legislature to support a strong policy in the State of animal shelters' aggressively promoting spay and neuter programs to reduce pet overpopulation; and

WHEREAS, residents of the State can contribute to this effort by spaying or neutering their own companion animals and by supporting programs in their communities that offer accessible spay and neuter services, including the state-run Help Fix ME program; and

WHEREAS, veterinarians, humane societies, animal control agencies and national and local animal welfare organizations join together to advocate the spaying or neutering of dogs and cats on "Spay Day USA 2010," an annual campaign of the Humane Society of the United States; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that February 25, 2010 is Spay Day Maine 2010 and we request and urge that the people of Maine observe the day by committing to have their dogs or cats spayed or neutered and by contributing to charitable organizations that provide spay and neuter services and we request that Maine veterinarians work with animal shelters and rescue groups to provide accessible spay and neuter services.

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

READ and ADOPTED in concurrence.

Non-Concurrent Matter

Bill "An Act To Maintain Compliance of Maine's Insurance Laws with National Standards"

(H.P. 1059) (L.D. 1510)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) in the House on February 17, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) AS AMENDED BY SENATE AMENDMENT "A" (S-382)** thereto in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

Bill "An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State"

(H.P. 1286) (L.D. 1798)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on February 25, 2010.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE.**

On motion of Representative CAIN of Orono, the House voted to **ADHERE.**

COMMUNICATIONS

The Following Communication: (H.C. 283)

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

February 22, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Public Law 2007, Chapter 318, I am pleased to reappoint Gary Laweryson of Waldoboro to serve as a member of the Commission to Protect the Lives and Health of Members of the Maine National Guard.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 280)

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

March 2, 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":

- Agriculture, Conservation and Forestry
L.D. 1684 An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs (EMERGENCY)
- Judiciary
L.D. 1511 An Act To Remove the Age Limit Governing When a Court Must Consider the Wishes of a Child in a Proceeding for the Termination of Parental Rights
- L.D. 1714 An Act To Protect Information Maintained by Registers of Deeds
- Transportation
L.D. 1678 Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket (EMERGENCY)
- Utilities and Energy
L.D. 1660 An Act To Reallocate Funds for a Position at the Public Utilities Commission (EMERGENCY)

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Millicent M. MacFarland
Clerk of the House

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

The Following Communication: (H.C. 281)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LABOR**

February 22, 2010
Honorable Elizabeth H. Mitchell
President of the Senate
Honorable Hannah M. Pingree
Speaker of the House of Representatives
124th Legislature
State House
Augusta, ME 04333
Dear Madam President and Madam Speaker:
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Labor from the review and evaluation of the Maine Labor Relations Board under the State Government Evaluation Act. In its review, the Committee found that the Maine Labor Relations Board is operating within its statutory authority.
Sincerely,
S/Senator Troy Dale Jackson
Senate Chair
S/Representative John L. Tuttle
House Chair

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

The Following Communication: (H.C. 282)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON LABOR**

February 22, 2010
Honorable Elizabeth H. Mitchell
President of the Senate
Honorable Hannah M. Pingree
Speaker of the House of Representatives
124th Legislature
State House
Augusta, ME 04333
Dear Madam President and Madam Speaker:
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Labor from the review and evaluation of the Maine Workers' Compensation Board under the State Government Evaluation Act. In its review, the Committee found that the Maine Workers' Compensation Board is operating within its statutory authority.
Sincerely,
S/Senator Troy Dale Jackson
Senate Chair
S/Representative John L. Tuttle
House Chair

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

The Following Communication: (S.P. 701)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 22, 2010
Sen. Justin L. Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Patricia B. Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs
124th Legislature
Augusta, ME 04333
Dear Senator Alfond and Representative Sutherland:
Please be advised that Governor John E. Baldacci has nominated the following as members to the Maine Community College System, Board of Trustees:
Robert Clark of Fort Fairfield, reappointment
Dennis King of Freeport, reappointment
Cynthia Phinney of Livermore Falls, reappointment
Christopher McCormick of Cumberland Foreside, appointment
Kenneth Heoflick of Standish, appointment as a Student Member
Pursuant to Title 20-A MRSA §12705 these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS.**

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 702)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 22, 2010

Sen. Justin L. Alford

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Patricia B. Sutherland

House Chair, Joint Standing Committee on Education and Cultural Affairs

124th Legislature

Augusta, ME 04333

Dear Senator Alford and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated the following as members to the University of Maine System, Board of Trustees:

Victoria Murphy of Portland, reappointment

Paul Mitchell of Waterville, reappointment

Samuel Collins of Caribou, appointment

M. Michelle Hood of Bar Harbor, appointment

Benjamin Goodman of Kennebunk, appointment as a Student Member

Pursuant to P&S Law 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

**Pursuant to Statute
Revisor of Statutes**

Representative **PRIEST** for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1292) (L.D. 1805)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Representative **JOY** of Crystal assumed the Chair.

The House was called to order by the Speaker Pro Tem.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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:

Daniel C. Smith, of Gorham, a member of Boy Scout Troop No. 817, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. For his Eagle Scout project, Daniel built a large warming shed to be used by ice skaters at the community ice rink. We extend our congratulations to Daniel on this achievement;

(HLS 911)

Presented by Representative **KNAPP** of Gorham.

Cosponsored by Senator **BARTLETT** of Cumberland, Representative **SANBORN** of Gorham.

On **OBJECTION** of Representative **KNAPP** of Gorham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative **Knapp**.

Representative **KNAPP**: Thank you, Madam Speaker. Daniel Smith, as most Eagle Scouts, is an exemplary role model for the younger citizens in the Town of Gorham. Presently, he is off at college and so that is why he isn't here today, but I commend all of his hard work for our community.

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

In Memory of:

Paul L. Farrington, a longtime resident of South China and prominent member of his community. Mr. Farrington was born in Waterville and was a graduate of Erskine Academy and Bates Business College. He was president of his class at the Dale Carnegie Course. He was cofounder of the South China Chamber of Commerce and was a member of the Dirigo Lodge No. 157 of the Order of the Eastern Star and the Kora Temple. Mr. Farrington was the owner of Farrington's Clothing and Footwear, for many years a popular destination for purchasing clothing in the area. He was also an entrepreneur who enjoyed buying and selling antiques and collectables and was cofounder and treasurer of Break of Day, Inc. Mr. Farrington will be greatly missed and long remembered by his loving wife of 52 years, his loving family and his many friends and neighbors;

(HLS 921)

Presented by Representative **COTTA** of China.

Cosponsored by President **MITCHELL** of Kennebec.

On **OBJECTION** of Representative **COTTA** of China, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **COTTA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Paul Farrington, in South China, was an icon, and I grew up in Augusta and those that are from the area, before you went to school you always went to Farrington's where you got your clothes. It was a big event. He always offered good value, greeted all of his customers with a smile. But more uniquely, Paul Farrington was a very energetic individual who walked to a different drum. He would play little pranks on people, he always had a smile for everybody at the store, and he was a pillar in the community. He is survived by his wife of many years, and I think that Carmaleta to this day, certainly it is a great loss but they

were a loving couple, they gave a lot to their community, they were always welcome. He will be sorely missed. Thank you.

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

In Memory of:

Dennis Sweetser, of Auburn. Mr. Sweetser was a graduate of Edward Little High School and Bates College and was a lifelong educator. He taught chemistry at Edward Little High School for 33 years and was head of the science department before he retired in 2004. Mr. Sweetser devoted 42 years to the Auburn Suburban Little League, as coach, manager, historian and onetime occupant of every chair on the governing board. One of his proudest experiences was managing his Senior League All-Star team of 1979, which advanced all the way to the Senior League World Series in Gary, Indiana. He will be greatly missed and long remembered by his family, friends and community;

(HLS 924)

Presented by Representative BEAULIEU of Auburn.

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

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act"

(H.P. 1293) (L.D. 1806)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 4, 2010.

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-378)** on Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine"

(S.P. 10) (L.D. 1)

Signed:

Senators:

SCHNEIDER of Penobscot

SULLIVAN of York

RECTOR of Knox

Representatives:

SMITH of Monmouth

WRIGHT of Berwick

AUSTIN of Gray

MacDONALD of Boothbay

PRESCOTT of Topsham

HUNT of Buxton

CLEARY of Houlton

GILES of Belfast

COHEN of Portland

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

Signed:

Representative:

MARTIN of Orono

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-378)**.

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass** on Bill "An Act To Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies and To Ensure Equal Application of the Requirement To Obtain Coverage"

(S.P. 586) (L.D. 1528)

Signed:

Senators:

JACKSON of Aroostook

GERZOFKY of Cumberland

Representatives:

CLARK of Millinocket

BLODGETT of Augusta

TUTTLE of Sanford

BUTTERFIELD of Bangor

GILBERT of Jay

DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport

HAMPER of Oxford

CUSHING of Hampden

BICKFORD of Auburn

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise respectfully to disagree with the chairman on the Committee

Report. This bill, an Act to Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies, has some disturbing consequences in our opinion, the ability to share information, particularly information that typically is held of a confidential nature such as tax information and other pertinent details. Certainly none of us condone intentional abuse and those people who would leave their employees at risk is certainly not acceptable, but it disturbs us when we are facing so many different issues in state government, and particularly with the nature of some information that would be provided here. So we would respectfully disagree and not support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you've heard, this bill clarifies that Workers' Compensation Board's Abuse Investigation Unit may share information with other state agencies to enhance the interagency efforts to ensure compliance with their respective laws and rules. So if the Department of Human Services would need information from the Department of Labor or Workers' Compensation, they could share this information. I believe most other agencies in state government are able to do that, so that's why the bill was submitted this time.

The Workers' Compensation Board voted unanimously to propose the language of the bill. The idea of sharing of information between state agencies grew out of the Governor's Task Force on Misclassified Workers. All business entities should be treated alike with regard to potential penalties for failure to secure workers' compensation coverage, which is a real problem in this state. Without coverage, injured workers bear the burden of having to pay their own medical bills and suffer the loss of income caused by worker injury. Workers who file a complaint about an employer need to know that their information may be shared with other agencies. There was no opposition at the public hearing from either labor or management, and, for that reason, I would ask you to support the Majority Report.

Representative **CELLI** of Brewer **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** 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 Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill has a lot of good intentions but it comes up with the wrong answer. It still needs work. I urge you to vote against it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 272

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle,

Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

ABSENT - Ayotte, Beaudette, Beck, Carey, Greeley, Kaenrath, Magnan, Perry, Pratt.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 4, 2010.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-654)** on Bill "An Act To Clarify the Informed Growth Act" (EMERGENCY)

(H.P. 1106) (L.D. 1569)

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

CELLI of Brewer
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland

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

Signed:

Representatives:

BOLAND of Sanford
SCHATZ of Blue Hill

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 575) (L.D. 1497) Bill "An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-377)**

(S.P. 576) (L.D. 1498) Bill "An Act To Adopt a Drug Benefit Equity Law" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-374)**

(S.P. 587) (L.D. 1529) Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-380)**

(S.P. 595) (L.D. 1558) Bill "An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-379)**

(S.P. 596) (L.D. 1559) Bill "An Act Regarding Liquor Licenses for Qualified Catering Services" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-375)**

(S.P. 622) (L.D. 1657) Bill "An Act Regarding Maine Public Employees Retirement System Life Insurance Policies" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-376)**

(H.P. 1092) (L.D. 1550) Bill "An Act To Promote Opportunity for Workers in the Maine Woods" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1195) (L.D. 1694) Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 954) (L.D. 1364) Bill "An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)**

(H.P. 1081) (L.D. 1537) Bill "An Act To Amend the Statute of Limitations under the Maine Human Rights Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

(H.P. 1082) (L.D. 1538) Bill "An Act To Close Loopholes in Environmental Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 1124) (L.D. 1586) Bill "An Act To Amend the Definition of 'Farmers' Market'" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)**

(H.P. 1135) (L.D. 1607) Bill "An Act To Regulate the Transportation of Firewood" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)**

(H.P. 1159) (L.D. 1631) Bill "An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)**

(H.P. 1170) (L.D. 1642) Bill "An Act To Reduce Road Noise within Posted Areas" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-672)**

(H.P. 1175) (L.D. 1647) Bill "An Act To Enhance Maine's Clean Energy Opportunities" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)**

(H.P. 1241) (L.D. 1744) Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)**

(H.P. 1250) (L.D. 1756) Bill "An Act To Amend the Charter of the Gardiner Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

(H.P. 1260) (L.D. 1770) Bill "An Act To Extend the Temporary Reduction in High-stakes Beano License Fees" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)**

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

(H.P. 1096) (L.D. 1554) Bill "An Act Regarding Document Fees at County Registries of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-669)**

On motion of Representative HAYES of Buckfield, was **REMOVED** from the First 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.

CONSENT CALENDAR

Second Day

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

(S.P. 588) (L.D. 1532) Bill "An Act To Align Education Laws with Certain Federal Laws" (C. "A" S-373)

(H.P. 1054) (L.D. 1505) Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine (EMERGENCY) (C. "A" H-657)

(H.P. 1068) (L.D. 1518) Resolve, Regarding Legislative Review of Section 16, Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) (C. "A" H-651)

(H.P. 1103) (L.D. 1566) Bill "An Act Relating to the Membership of the Workers' Compensation Board" (C. "A" H-659)

(H.P. 1136) (L.D. 1608) Bill "An Act To Establish an Office of Administrative Law Judges for Licensing Boards" (C. "A" H-658)

(H.P. 1145) (L.D. 1617) Bill "An Act Enabling Expedited Partner Therapy" (C. "A" H-653)

(H.P. 1187) (L.D. 1686) Bill "An Act To Allow Minor Capital School Improvement Projects To Be Permitted Costs under Essential Programs and Services" (EMERGENCY) (C. "A" H-660)

(H.P. 1194) (L.D. 1693) Bill "An Act To Protect the Environment and Natural Resources of the State by Regulating

the Discharge of Certain Substances into the Environment" (EMERGENCY) (C. "A" H-652)

(H.P. 1200) (L.D. 1699) Bill "An Act To Update and Modernize Maine's Floodplain Mapping" (C. "A" H-655)

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

(H.P. 1155) (L.D. 1627) Bill "An Act To Improve Access to Data in the Central Voter Registration System" (C. "A" H-656)

On motion of Representative TRINWARD of Waterville, 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.

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay" (EMERGENCY)

(H.P. 1154) (L.D. 1626)
(C. "A" H-648)

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

ENACTORS

Emergency Measure

An Act To Facilitate Establishment of Watershed Districts

(H.P. 1095) (L.D. 1553)
(C. "A" H-631)

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. 132 voted in favor of the same and 6 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 Enhance Public Awareness of Lyme Disease

(H.P. 1210) (L.D. 1709)
(C. "A" H-632)

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. 136 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

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

(H.P. 1245) (L.D. 1751)

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. 130 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, 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

(H.P. 1246) (L.D. 1752)

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. 124 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.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Acts

An Act To Streamline the Renewal Process for a Permit To Carry a Firearm

(H.P. 1072) (L.D. 1522)
(C. "A" H-633)

An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product

(H.P. 1158) (L.D. 1630)
(C. "A" H-634)

An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge

(H.P. 1217) (L.D. 1716)

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

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 25, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-369)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Geothermal Energy in the State"

(S.P. 455) (L.D. 1222)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-369).

TABLED - February 23, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** Committee Amendment "A" (S-369) was **READ** by the Clerk and **ADOPTED.**

The Bill was assigned for **SECOND READING** Thursday, March 4, 2010.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require the State To Pay the Costs of School Administration Consolidation"

(H.P. 1244) (L.D. 1750)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)** on same Bill.

Signed:

Representative:

CASAVANT of Biddeford

READ.

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1243) (L.D. 1749)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais

JONES of Mount Vernon

SANBORN of Gorham

JOY of Crystal

CAMPBELL of Newfield

LEWIN of Eliot

STRANG BURGESS of Cumberland

STUCKEY of Portland

EVES of North Berwick

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

Signed:

Representative:

PETERSON of Rumford

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass** Report was **ACCEPTED.**

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 4, 2010.

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

SENATE PAPERS

Bill "An Act To Make Certain MaineCare Rules Regarding Service Provided by the Department of Health and Human Services through the Department of Education Major Substantive Rules" (EMERGENCY)

(S.P. 707) (L.D. 1804)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

**CONSENT CALENDAR
First Day**

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

(H.P. 1212) (L.D. 1711) Bill "An Act To Clarify the Status of Prisoners" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)**

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 COTTA of China, the House adjourned at 11:22 a.m., until 10:00 a.m., Thursday, March 4, 2010 in honor and lasting tribute to Paul L. Farrington, of South China, Patrick J. Federico, of Medway and Beverly J. Pelletier, of Hampden..