

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
18th Legislative Day
Thursday, March 4, 2010

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

Prayer by Reverend Peter B. Panagore, First Radio Parish Church of America.

National Anthem by Machias Schools Band.

Pledge of Allegiance.

Doctor of the day, Mark McAllister, M.D., Washington.

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

SENATE PAPERS

Non-Concurrent Matter

Joint Order Directing the Joint Standing Committee on Agriculture, Conservation and Forestry To Report Out 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

(H.P. 1275)

READ and **PASSED** in the House on February 18, 2010.

Came from the Senate with the Joint Order and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.P. 1295)

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 25, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 124th Legislature of the citizen initiative petition entitled "An Act to Allow a Casino in Oxford County".

Sincerely,

S/Matthew Dunlap

Secretary of State

STATE OF MAINE
DEPARTMENT OF STATE

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing signatures of 79,731 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on December 22, 2009 and January 13, 2010, requesting that the Legislature consider an act entitled, "An Act To Allow a Casino in Oxford County".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 55,087.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-fifth day of February in the year two thousand and ten.

S/MATTHEW DUNLAP

Secretary of State

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

Sent for concurrence.

On motion of Representative TRINWARD of Waterville, the accompanying Bill "An Act To Allow a Casino in Oxford County" (I.B. 5) (L.D. 1808)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS**, ordered printed and sent for concurrence.

The Following Communication: (H.C. 285)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

February 25, 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 Natural Resources from the review and evaluation of the Department of Environmental Protection under the State Government Evaluation Act. In its review, the Committee found that the Department of Environmental Protection is operating within its statutory authority.

Sincerely,

S/Senator Seth A. Goodall

Senate Chair

S/Representative Robert S. Duchesne

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 286)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

February 25, 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 Natural Resources from the review and evaluation of the Board of Environmental Protection under the State Government Evaluation Act. In its review, the Committee found that the Board

of Environmental Protection is operating within its statutory authority.

Sincerely,
S/Senator Seth A. Goodall
Senate Chair
S/Representative Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 284)

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

March 4, 2010

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Labor

L.D. 1715 An Act To Provide the Finance Authority of Maine with Flexible Health Care Options (EMERGENCY)

Legal and Veterans Affairs

L.D. 1690 An Act To Prevent Predatory Signature Gathering and Ensure a Clean Citizen Initiative and People's Veto Process

Transportation

L.D. 1772 An Act To Allow the Secretary of State to Issue a State Commercial Driver's License to the Holder of a Military Commercial Driver's License

Utilities and Energy

L.D. 1644 An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services

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: (S.P. 708)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 26, 2010

Sen. Elizabeth M. Schneider
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
124th Legislature
Augusta, ME 04333

Dear Senator Schneider and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Sarah Frost Doscinski of Temple for appointment to the Maine Rural Development Authority.

Pursuant to Title 5 M.R.S.A. §13120-D, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.C. 669)

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

March 2, 2010

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Stanley P. Kuklinski of Farmington for reappointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Barbara J. Dresser of Saco for appointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of John M. Joseph, Jr. of Hallowell for reappointment to the Maine Milk Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Diane Doyle of Saco for reappointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Richard E. Stevenson, Jr. of Bath for reappointment to the Board of Pesticides Control.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

**Pursuant to Statute
Department of Audit**

Representative WATSON for the **Department of Audit** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory

Services To Be Rendered in Fiscal Year 2010-11"
(EMERGENCY)

(H.P. 1294) (L.D. 1807)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 40)

ORDERED, that Representative Bruce A. Bickford of Auburn be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Dawn Hill of York be excused February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Brian D. Langley of Ellsworth be excused January 12 and February 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Veronica Magnan of Stockton Springs be excused March 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wright H. Pinkham, Sr. of Lexington Township be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused February 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Michael A. Shaw of Standish be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused February 25 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Riley Masters, of Bangor, a sophomore member of the University of Maine Cross Country and Track teams and the first Black Bear to break the 4-minute barrier in the mile run. Riley broke the school record on February 13, 2010 with a time of 3 minutes, 59.97 seconds, provisionally qualifying him for the NCAA Championships. On February 20, 2010, Riley won the 3,000-meter run at the America East Indoor Track Championship. We congratulate Riley on his exceptional achievements and send him our best wishes on his future endeavors;

(HLS 931)

Presented by Representative GOODE of Bangor.
Cosponsored by Senator PERRY of Penobscot, Representative BUTTERFIELD of Bangor, Representative STEVENS of Bangor, Representative MARTIN of Orono, Senator SCHNEIDER of Penobscot, Representative CAIN of Orono.

On **OBJECTION** of Representative GOODE of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative GOODE: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to rise and speak briefly in recognition of Riley Masters. Riley is a resident of Bangor, is a member of the University of Maine Cross Country and Track teams, and a few weeks ago, Riley became the fourth Mainer and the first member of the University of Maine Cross Country and Track teams to run under 4 minutes for a mile run. It's a very significant achievement in the world of track and field. To illustrate the significance, I got a quote from Roger Bannister, the first man to ever break 4 minutes in a mile. Roger Bannister, upon breaking 4 minutes for the first time, stated that doctors and scientists said that breaking the 4 minute mile was impossible, that one would die in the attempt, thus, when I got up from the track after collapsing at the finish line, I figured I was dead. So it was a major achievement for Riley to break 4 minutes. He is the fourth person in Maine history and the first person in the University of Maine history to ever do this. I've also been told he is the youngest Mainer to ever break 4 minutes, so I want to stand and recognize his achievements.

He has also come down today on the way to a track meet with Corey Connor, a member of the Women's Track and Field team, who has set a school record as well and run 4:43 for the women's mile, which is also a comparable achievement, and Jesse Labreck of Oakland, who is also a University of Maine athlete, has run 7.82 for the 55 meter hurdles, set a school record, and the three of them have provisionally qualified for the national Track and Field Indoor Track Championships next month. Thank you all for bearing with me and having them here today.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative CAIN: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I want to rise to add my congratulations to Riley. I was actually in a committee meeting when I got an email about the breaking of the 4 minute mile. I honestly did a double take and said "Can you do that?" I also have had a long conversation with the good Secretary of State, Secretary of State Matthew Dunlap, who was a varsity track member himself at the University of Maine, about how significant this is for the university and for Riley and for his family and for Maine in general. It is not something you see every day. It is certainly something I know I will never do in my lifetime, in fact, most of us probably won't.

I often stand up to talk about University of Maine sports here or there, usually hockey or football, but the University of Maine's history with track goes back a very long way and we've had many accomplished people play and participate in that team. I am very proud to honor Riley, along with all of you today, and want to add my congratulations. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative PRESCOTT: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to offer my congratulations. I am a former member of the University of Maine Women's Track team and I have watched Jesse Labreck go from a very small young athlete to the woman that she is today, and, along with Riley and the others that are here, I couldn't be more proud and just wanted to say great job.

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

Recognizing:

Joseph Lamoin, of Gorham, for his heroism in helping his family escape unharmed from a fire that started in their home. Joseph, just 4 years of age at the time, remembered the training he had received during a fire prevention program at his day care center when he woke up and smelled smoke in his house and was able to wake up his mother, sister and grandmother, allowing all of them to get out of the building safely. We congratulate Joseph Lamoin for his quick thinking and knowledge of fire safety, which enabled him to help save the lives of his family members;

(HLS 933)

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. Madam Speaker, Ladies and Gentlemen of the House. Many of us are/have been professional educators. In our classrooms, once in awhile we get on a student's face the ah-ha experience and we know that they have what we've been trying to teach. Many of us are mothers, fathers, aunts, uncles or other sort of professional people, and we are teaching either our peers or younger people about a concept. In this case, the daycare instructor, the fire person, did not see the ah-ha experience for this four year old. Obviously the four year old listened, retained and put into practice what they were learning. So hopefully many people in our world can learn from each other. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

(H.P. 1080) (L.D. 1536)

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

CLARK of Millinocket

SARTY of Denmark

McLEOD of Lee

SHAW of Standish

BRIGGS of Mexico

EBERLE of South Portland

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

Signed:

Senators:

BRYANT of Oxford

JACKSON of Aroostook

Representatives:

WHEELER of Kittery

CRAFTS of Lisbon

SAVIELLO of Wilton

DAVIS of Sangerville

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-663)** on Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"

(H.P. 313) (L.D. 425)

Signed:

Senators:

BOWMAN of York

ALFOND of Cumberland

Representatives:

TREAT of Hallowell

PRIEST of Brunswick

BEAUDOIN of Biddeford

LEGG of Kennebunk

MORRISON of South Portland

GOODE of Bangor

FOSEL of Alna

BECK of Waterville

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

WEAVER of York

RICHARDSON of Warren

READ.

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

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Make Corrections to the Life Settlement Laws"

(H.P. 1073) (L.D. 1523)

Signed:

Senators:

BOWMAN of York

ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
LEGG of Kennebunk
MORRISON of South Portland
GOODE of Bangor
WEAVER of York

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

BECK of Waterville
FOSSEL of Alna
RICHARDSON of Warren

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-664)** on Bill "An Act To Protect Health Care Consumers from Catastrophic Debt" (H.P. 1148) (L.D. 1620)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
LEGG of Kennebunk
MORRISON of South Portland
GOODE of Bangor
BECK of Waterville

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

WEAVER of York
FOSSEL of Alna
RICHARDSON of Warren

READ.

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

On further motion of the same Representative, **TABLED** pending her 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. 590) (L.D. 1530) Bill "An Act To Facilitate Recovery Zone Facility Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-381)**

(S.P. 606) (L.D. 1599) Bill "An Act Regarding the Maternal and Infant Death Review Panel" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-383)**

(S.P. 632) (L.D. 1667) Bill "An Act To Amend the Election Laws and Other Related Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-384)**

(H.P. 1121) (L.D. 1583) Bill "An Act To Improve the Delivery of Community Corrections Services" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-679)**

(H.P. 1196) (L.D. 1695) Bill "An Act To Direct the Public Utilities Commission To Adopt Rules To Improve the Safety of Multiunit Rental Dwellings" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-680)**

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. 576) (L.D. 1498) Bill "An Act To Adopt a Drug Benefit Equity Law" (C. "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" (C. "A" S-380)

(S.P. 595) (L.D. 1558) Bill "An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters" (C. "A" S-379)

(S.P. 596) (L.D. 1559) Bill "An Act Regarding Liquor Licenses for Qualified Catering Services" (EMERGENCY) (C. "A" S-375)

(S.P. 622) (L.D. 1657) Bill "An Act Regarding Maine Public Employees Retirement System Life Insurance Policies" (C. "A" S-376)

(H.P. 1092) (L.D. 1550) Bill "An Act To Promote Opportunity for Workers in the Maine Woods"

(H.P. 1195) (L.D. 1694) Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs

(H.P. 954) (L.D. 1364) Bill "An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers" (C. "A" H-674)

(H.P. 1081) (L.D. 1537) Bill "An Act To Amend the Statute of Limitations under the Maine Human Rights Act" (C. "A" H-662)

(H.P. 1082) (L.D. 1538) Bill "An Act To Close Loopholes in Environmental Laws" (C. "A" H-665)

(H.P. 1124) (L.D. 1586) Bill "An Act To Amend the Definition of 'Farmers' Market'" (C. "A" H-666)

(H.P. 1135) (L.D. 1607) Bill "An Act To Regulate the Transportation of Firewood" (EMERGENCY) (C. "A" H-667)

(H.P. 1159) (L.D. 1631) Bill "An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products" (C. "A" H-673)

(H.P. 1170) (L.D. 1642) Bill "An Act To Reduce Road Noise within Posted Areas" (C. "A" H-672)

(H.P. 1175) (L.D. 1647) Bill "An Act To Enhance Maine's Clean Energy Opportunities" (EMERGENCY) (C. "A" H-675)

(H.P. 1212) (L.D. 1711) Bill "An Act To Clarify the Status of Prisoners" (C. "A" H-676)

(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) (C. "A" H-668)

(H.P. 1250) (L.D. 1756) Bill "An Act To Amend the Charter of the Gardiner Water District" (C. "A" H-661)

(H.P. 1260) (L.D. 1770) Bill "An Act To Extend the Temporary Reduction in High-stakes Beano License Fees" (EMERGENCY) (C. "A" H-671)

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. 575) (L.D. 1497) Bill "An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors" (EMERGENCY) (C. "A" S-377)

On motion of Representative CURTIS of Madison, 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

Senate

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)

Senate as Amended

Bill "An Act To Promote Geothermal Energy in the State"

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

(C. "A" S-369)

House

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)

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

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)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative HAYES of Buckfield, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-686)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a technical amendment being offered on behalf of the Committee on Bills in the Second Reading. Thank you.

House Amendment "A" (H-686) was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-686)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages

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

(C. "A" H-645)

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

Emergency Measure

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

(H.P. 1239) (L.D. 1742)

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

Acts

An Act Concerning the National Animal Identification System

(H.P. 857) (L.D. 1238)

(C. "A" H-641)

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

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

(S. "A" S-382 to C. "A" H-628)

An Act To Align Education Laws with Certain Federal Laws

(S.P. 588) (L.D. 1532)

(C. "A" S-373)

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

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

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

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

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 matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 2, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-378)** - Minority (1) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine"

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

- In Senate, 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)**.

TABLED - March 2, 2010 (Till Later Today) by Representative PIOTTI of Unity.

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

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition of the pending motion on this piece of legislation, which I believe its intent is good to spur and try to stimulate venture capital investment in Maine businesses, but I felt that I could not support this legislation because of the major problem of providing guaranteed tax credits to investments which may go to out of state businesses. There is nothing in this legislation that absolutely requires that any of this \$20 million that we are providing the Maine State Retirement System the ability to invest in venture capital firms, there is nothing in the legislation that actually requires that a single dollar go into a Maine company. There is also not a requirement that a single Maine job be created in this legislation, and yet we are also providing an 80 percent guarantee to the Maine State Retirement System for investing up to \$20 million. The State of Maine is guaranteeing that we will repay up to 80 percent of those losses, which equates to approximately \$16 million.

Now supporters of this legislation and the members of our committee have worked on this for a long time, and I applaud their dedication to seeking ways to spur and encourage investment in venture capital firms in Maine. However, when we say that we're going to provide a state guarantee tax credit of up

to 80 percent and yet we have no way of verifying or ensuring that those moneys are actually going to go to Maine businesses and create Maine jobs, and, in fact, we may be paying back a tax credit for losses of investments that went out of state. So that is my major objection to this bill, and during the process of working it, I really wanted to make sure that I could support it, and I tried to work to see if we could do two things, which I found out we couldn't. One is that we can't put anything in this legislation that actually guarantees investment in a Maine company, and I understand that the role of a venture capitalist firm is to make money. Their role is to seek and look for businesses that have the scale ability, the product, the market, and the ability to grow to a public offering and to be sold for a profit. We were told that we can't do that because we would then be limiting the venture capital firms and their ability to make their business decisions, and I agree with that. The second piece that I would have liked to have seen was a limitation on the tax credits to apply only to those moneys that actually got invested in Maine businesses, in Maine companies, so that we could guarantee that if the State of Maine is going to put up its guarantee for tax credits, that we know that that money will go to Maine businesses who are looking for that capital to try to expand to the next level. So those were my major objections to this and, unfortunately, I cannot support this legislation, and I would also request a roll call, Madam Speaker. Thank you.

Representative **MARTIN** of Orono **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 Monmouth, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The Representative from Orono has done a wonderful job of outlining the concerns that the committee dealt with on this bill through the course of several work sessions. I will encourage members of this body to vote for the pending motion, which is the result of a 12-1 report, and let me just hit on a few points. The goal of LD 1 is the creation of high paying, stable jobs in the State of Maine. There are three points that address the way in which LD 1 approaches this: innovation, collaboration, and balance. This is an innovative approach that has been proven in other states. It is a collaboration between the Maine Public Employees Retirement System, which has the investment funds, and the Finance Authority of Maine, which has the expertise. Finally, it is a balance between incentives for the retirement fund to invest and access the opportunity for Maine startup companies to have venture capital invested. I encourage members of the body to vote for the pending motion. Thank you.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I also rise in support of the present measure to support this legislation, and do concur with my House chair that I believe the Representative from Orono has raised, very articulately, the concerns we had with this legislation, but I believe it has been put together in a protective way so it does not put the state at risk and the benefit to us in the long-range for job creation outweighs what the concerns are that he brought forth. I would also add to it that this investment model has been used successfully in other states. This is something that has attracted much needed capital to capital-poor states, which we are as a small population, rural state that is located in the far northeast corner of our country.

We also recently heard testimony on a different matter, but it relates to this, on the research and development investments that we've made in this state in recent times. We are at a critical point in trying to get some of these investments so that they are at a point where the ideas and the patents and the new great technologies that are coming out of our universities and research areas, they need the capital, they need the support to convert what are great ideas into real jobs for Maine people. So I think LD 1 is one way to do it and I would encourage people to follow my green light. Thank you.

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

ROLL CALL NO. 273

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Duchesne, Eaton, Eberle, Edgcomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Knapp, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Blanchard, Boland, Harlow, Knight, Martin JR, Stuckey.

ABSENT - Ayotte, Carey, Cushing, Driscoll, Greeley, Kent, Pratt, Tardy, Willette.

Yes, 136; No, 6; Absent, 9; Excused, 0.

136 having voted in the affirmative and 6 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-378)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 9, 2010.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-654)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Informed Growth Act" (EMERGENCY)

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

TABLED - March 2, 2010 (Till Later Today) by Representative PIOTTI of Unity.

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

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-654)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 9, 2010.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-656)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Improve Access to Data in the Central Voter Registration System"

(H.P. 1155) (L.D. 1627)

TABLED - March 2, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-656)** was **READ** by the Clerk.

Representative TRINWARD of Waterville **PRESENTED House Amendment "A" (H-687)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk.

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 just wish to let everyone know that this is a technical amendment, but it also authorizes the use of the data for the legislative members while we are in session. We are presently authorized to use this as a voter registration list, the CVR, and we are allowed to use it as a candidate, but we felt we should be very clear that we are also allowed to use it for the purpose of communicating with our constituents and conducting legislative business.

Subsequently, **House Amendment "A" (H-687)** to **Committee Amendment "A" (H-656)** was **ADOPTED**.

Committee Amendment "A" (H-656) as **Amended by House Amendment "A" (H-687)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, March 9, 2010.

SENATE PAPERS

The following Joint Order: (S.P. 709)

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

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

READ and **PASSED** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1125) (L.D. 1587) Bill "An Act To Amend the Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-684)**

(H.P. 1174) (L.D. 1646) Bill "An Act To Establish a Broadband Policy for Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)**

(H.P. 1211) (L.D. 1710) Bill "An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-682)**

(H.P. 1225) (L.D. 1726) Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY) Committee on

AGRICULTURE, CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)**

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 **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Include All Children in the Conditions of Education Report" (H.P. 1261) (L.D. 1771)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel

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

Signed:

Senator:

WESTON of Waldo

Representatives:

McFADDEN of Dennysville
JOHNSON of Greenville

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 9, 2010.

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

SENATE PAPERS

Bill "An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry" (EMERGENCY)

(S.P. 718) (L.D. 1809)

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

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

Bill "An Act To Amend the Maine Medical Marijuana Act"

(S.P. 719) (L.D. 1811)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force" (EMERGENCY)

(S.P. 710) (L.D. 1810)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

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

On motion of Representative WEBSTER of Freeport, the House adjourned at 11:17 a.m., until 10:00 a.m., Tuesday, March 9, 2010 pursuant to the Joint Order (S.P. 709) and in honor and lasting tribute to Stephen L. Mann, of Freeport, Sherman R. Boulter, of Standish, Dorothy Randall Gaddis, of East Machias and Donald Eugene Cushing, of Pembroke.