

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
19th Legislative Day
Tuesday, March 9, 2010

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

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Strong.

National Anthem by Dennis St. Pierre, Hallowell.

Pledge of Allegiance.

Doctor of the day, Daniel Hammond, D.O., Belgrade.

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

SENATE PAPERS
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)

House **ADHERED** to its former action whereby the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on March 2, 2010.

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

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

COMMUNICATIONS

The Following Communication: (S.P. 711)

STATE OF MAINE
124TH MAINE LEGISLATURE

March 1, 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 Mark Samson of Auburn for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, 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.P. 712)

STATE OF MAINE

124TH MAINE LEGISLATURE

March 1, 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 to the Maine School of Science and Mathematics, Board of Trustees:

Dale Gordon of Caribou, appointment

Craig Kesselheim of Southwest Harbor, appointment

Richard Oravetz of Holden, reappointment

Pursuant to Title 20-A MRSA §8204 (1-G) 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. 713)

STATE OF MAINE

124TH MAINE LEGISLATURE

March 1, 2010

Sen. Dennis S. Damon

Senate Chair, Joint Standing Committee on Transportation

Rep. Edward J. Mazurek

House Chair, Joint Standing Committee on Transportation

124th Legislature

Augusta, ME 04333

Dear Senator Damon and Representative Mazurek:

Please be advised that Governor John E. Baldacci has nominated John Dority of Augusta for appointment to the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. §1965 (2-A) this nomination will require review by the Joint Standing Committee on Transportation 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 **TRANSPORTATION**.

READ and **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

The Following Communication: (S.P. 714)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 2, 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 the following to the Loring Development Authority:

Richard J. Ezzy of Caribou, appointment

David W. King of Limestone, appointment

Thomas Clowes of Stockholm, appointment

Pursuant to Title 5 M.R.S.A. §13080-B, these nominations 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.P. 715)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 2, 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 Dorothy Martin of Fort Fairfield for appointment and
Angela Bechard of Monmouth for appointment as a student
member to the State Board of Education.

Pursuant to Title 20-A MRSA §401 (1) 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. 716)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 2, 2010

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Marine Resources
Rep. Leila J. Percy
House Chair, Joint Standing Committee on Marine Resources
124th Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has
nominated Sean Mahoney of Portland for appointment to the
Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. §6021 (1-A), this nomination will
require review by the Joint Standing Committee on Marine
Resources 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 **MARINE RESOURCES**.

READ and **REFERRED** to the Committee on **MARINE
RESOURCES** in concurrence.

The Following Communication: (S.P. 717)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 2, 2010

Sen. Deborah L. Simpson
Senate Chair, Joint Standing Committee on State and Local
Government
Rep. Stephen R. Beaudette
House Chair, Joint Standing Committee on State and Local
Government
124th Legislature
Augusta, ME 04333

Dear Senator Simpson and Representative Beaudette:

Please be advised that Governor John E. Baldacci has
nominated the following to the State Civil Service Appeals Board:

Tracy Bigney of Bangor, reappointment

Jane L. Gilbert of Augusta, appointment

Edward F. Gorham of Randolph, appointment

Rebecca S. Grant of Hallowell, appointment

Pursuant to Title 5 M.R.S.A. §7081, these nominations will
require review by the Joint Standing Committee on State and
Local Government 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 **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND
LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.C. 676)

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

March 4, 2010

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

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Judiciary, the nomination of David J. Soucy of Fort Kent for appointment as a District Court Judge.

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 Agriculture, Food and Rural Resources

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1296) (L.D. 1812)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED.**

On motion of Representative PIEH of Bremen, the Resolve was **REFERRED** to the Committee on **TAXATION**, ordered printed pursuant to Joint Rule 218 and sent for concurrence.

Pursuant to Statute

Government Oversight Committee

Representative HINCK for the **Government Oversight Committee** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services"

(H.P. 1297) (L.D. 1813)

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

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

In Memory of:

Jacqueline Marie Maranda Dumas, of Rumford, longtime dedicated member of the community. Mrs. Dumas was born in Rumford and graduated from Stephens High School. She went on to proudly serve her country in World War II as a United States Navy WAVE and also served as a member of the United States Army Reserve during the Korean conflict. She married Paul R. Dumas, Sr., in Rumford after World War II and they had two sons. Mrs. Dumas lived in the town of Coburn Gore for many years after her husband retired from the United States Army. She worked at Oxford Paper Company, was a translator and transcriptionist for the Department of the Navy in Washington, D.C., taught English to French-speaking students in Quebec and was United States Postmistress in Coburn Gore. Mrs. Dumas will be greatly missed and long remembered by her loving family and those whose lives she touched;

(HLS 951)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator BRYANT of Oxford, Representative PETERSON of Rumford.

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

READ.

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

In Memory of:

Helen Langlais, of Cushing, a prominent champion of the Maine art community. Born Helen Friend in Skowhegan, she was a graduate of the University of Maine and earned a master's degree at Ohio University in 1953. In 1955, she married Bernard Langlais, an artist originally from Old Town. They settled in New York City, but bought a summer cottage in Cushing. In 1966, Mr. and Mrs. Langlais purchased an 80-acre farm in Cushing as their year-round home. Mrs. Langlais took a job as a teacher at Cushing Elementary School, while her husband pursued his art. After Mr. Langlais died in 1977, Mrs. Langlais devoted herself to preserving and promoting her late husband's artistic legacy and championing young artists. Mrs. Langlais was instrumental in creating Maine's first-in-the-nation artist's estate tax law, which allows payment of estate taxes in works of art. She also arranged for Colby College Museum of Art in Waterville to receive her late husband's work and the Cushing property. Helen Langlais will be greatly missed and long remembered by those whose lives she touched;

(HLS 952)

Presented by Representative KRUGER of Thomaston.

Cosponsored by Senator RECTOR of Knox, Representative RICHARDSON of Warren, Representative PERCY of Phippsburg, Senator MILLS of Somerset, Representative McCABE of Skowhegan.

On **OBJECTION** of Representative PERCY of Phippsburg, 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 Public Law

Representative TUTTLE for the **Joint Standing Committee on Labor** on Bill "An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992" (EMERGENCY)

(H.P. 1299) (L.D. 1815)

Reporting **Ought to Pass** pursuant to Public Law 2009, chapter 452, section 6.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Thursday, March 11, 2010.

Refer to the Committee on Judiciary Pursuant to Resolve

Representative PRIEST for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities"

(H.P. 1298) (L.D. 1814)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Resolve 2009, chapter 120.

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

Sent for concurrence.

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-392)** on Bill "An Act To Protect Maine Citizens' Credit"

(S.P. 648) (L.D. 1676)

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
WEAVER of York
FOSEL of Alna

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

Signed:

Senator:

McCORMICK of Kennebec

Representative:

RICHARDSON of Warren

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-392)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-392)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 11, 2010.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Taste Testing of Alcoholic Beverages by Retail Licensees" (EMERGENCY)

(H.P. 1192) (L.D. 1691)

Signed:

Senators:

PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-681)** on same Bill.

Signed:

Senator:

SULLIVAN of York

Representatives:

VALENTINO of Saco
TRINWARD of Waterville
RUSSELL of Portland
CORNELL du HOUX of Brunswick

READ.

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **TRINWARD**: Thank you, Madam Speaker. This bill is a bill that takes care of the second piece of the wine tasting, which is the wine and spirits tasting. This will take care of what is going on in the grocery stores and grocery stores only. It's been clearly crafted; it's been run by the Public Safety Department several times. It allows taste testing activities by agency liquor stores that are full-service grocery stores, that offer a wide variety of sundries and food beverages for sale, and do not showcase alcoholic beverages as their primary product and are at least 20,000 square feet in retail space. It must be conducted in a specific location to the store, to be approved by the bureau, that within reason would best afford customers of the store the choice to avoid interaction with the taste testing activities. All this does is allow for families that would be shopping on a Friday or Saturday evening after work, coming in with small children, an opportunity, if they should desire, to not have to be involved in a taste testing activity. Therefore, it would be put not next to the diapers or the baby food, it would be moved to a section of the store that the young families could choose to avoid if they so desired. Thank you.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority 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 Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I feel like this is déjà vu. Last session, we dealt with this tastings issue and attempted to preclude children from observing taste testings, and we all know how that turned out. This is a set aside for large stores that otherwise spend hundreds of thousands of dollars on their advertising budgets, they are very conscious of the atmosphere that they project and the image that they project to their customers, but yet this Legislature is going to take an action that sets them aside, makes them special or different as stores, in a way that, basically the way this reads, it must be located to best afford customers the choice to avoid interaction with the taste testing event. Well, I'll tell you, if I leave that up to the department to determine, I have no idea when they go in to approve one of these testings how they are going to set aside that area in that way. It says in the best reasonable manner. Trust me, I'm not convinced that the department can implement this any better than the last time that this was attempted, and, therefore, I would urge you to reject this motion. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In concurring with what Representative Fitts says, we dealt with this issue last year, and we're treating these large chain grocers as if they are having a kegger. You know, what's it going to be next? Is it going to be that if you are tasting a cheese tasting, that those that are lactose intolerant won't have to view this? Will it be that if there is a little ham sample, if you are a vegetarian, they won't have to see it? It is seeking a problem that doesn't exist. I know of no young people in my community who go, hey, you know what, let's sneak down and watch them drinking wine, they are going to be sampling it. It is ridiculous. I lived in Europe for four and a half years. Public drinking there, because they are not acting in a place where it is being viewed like a kegger, something along the lines of wine tasting, they have far less problems with this issue. Thank you for your consideration.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I certainly had some problems with our attempt last year, and I accept full responsibility for the hardship that was unduly imposed upon wine shops and that was never the intention. Certainly I have tried to work with the Legal and Veterans Affairs Committee to create effective drug policy, and, unfortunately, the two bills that address this, many of the features that I had submitted were moved into another bill, so that this is sort of the last remaining remnant of trying to perhaps improve drug policy in this state.

You will have on your desks a letter from the Maine Medical Association, in which the Maine Medical Association endorses and supports the concept of creating, if not an alcohol-free zone, at least an alcohol-free pathway for families. The reason for that is that the American Medical Association has identified under aged drinking as one of the seven preventable childhood diseases, and Dr. Hill, who several years ago began a project for alcohol-free zones across the country, stated that families should

have a fighting chance to teach their children healthy attitudes. One of his great concerns, and it should be our concerns, is that obviously alcohol is most everywhere. We see it in advertising, we see it on television, we see it in print, and our children see that. They see it in our homes, they see it in restaurants, they see it now in beer tents at family events, and what has happened is that children now begin to think that alcohol is a necessary lubricant for social interaction. Research shows that creating locations where families have a chance to not only have their children see alcohol and be able to discuss it with them, but also to be able to go places where there isn't alcohol and not have to constantly be convincing their children that alcohol is not a necessary lubricant for daily life. It gives families a fighting chance.

You also received another handout, which is a report on the ranking for how we are doing in this state regarding substance abuse. You'll see it as a grade, B's and C's. One of the C's that we got states the Legislature appears to look at alcohol as an economic driver and does not weigh the risks of unintended consequences that result in higher substance abuse rates and youth access to alcohol. Alcohol-free zones have been created at football games. Alcohol-free zones are now being created all across the state. But the Legislature is reducing the alcohol-free zones by allowing tastings of hard liquor in grocery stores.

I had a young woman at a conference recently, I was talking with this group about this very bill, and she is on a youth action group in her school. She said to me "I don't want my younger brother seeing people drinking in a grocery store. We have enough problems in our school now. Why would you do that?" Well, I promised her and all the people at that conference that I would send them the vote from this vote today. That action network is a statewide network, and they were clearly not happy with the idea of alcohol being in a grocery store.

I have stood here several times over the last couple of years talking with you about effective drug policy and trying to have some sort of a reasonable standard policy. I'd like to see us move our C grade up to a B and not have it go to a D. I hope that you'll think very seriously about this really very minor pale effort to try to give families a fighting chance when they go to a grocery store, to not see people standing around knocking back shots of alcohol. Now I will say for the committee that they did a very effective job of making sure that the amounts that people will consume during a tasting is very nominal, and I think they did a good job of crafting all the pieces regarding this if you accept the idea that people should be tasting hard liquor in grocery stores. I don't. That is a fundamental difference I have with the committee, with the members of the committee who supported that. But when you are five years old, you don't make the distinction of whether it's an 8th of a 16th of an ounce. What you see is the bottle and you see this. Ladies and Gentlemen, I don't want my niece to walk into a grocery store and see that, and I certainly have had a glass of wine at the table with she and her mother and my family. Let's have some common sense here. Let's ask that the enforcement folks make sure that grocery stores, the large grocery stores only, set the tasting off on the side so that when you go there with your children or your grandchildren, you don't walk in the entrance and there at the very front door in the area where stores promote specials, you don't have to walk through a group of adults standing around sampling hard liquor, beer and wine. Thank you.

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

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to support the motion that is on the floor. Legal and

Veterans Affairs has dealt with this issue many times. We did pass a bill on this House floor that the good Representative, Representative Fitts, had put, which I think fixed a lot of the issues with the wine bill last year. This bill is so narrowly drafted. I am rising not from a substance abuse point of view to argue on that, because I don't feel that we've gone there in this bill. I feel that this bill is so narrowly drafted. All it is, is for large, over 20,000 square foot grocery stores, where it has a large variety of people that come in, that they have to have it in a specific section of the store. That's all. This is really for the accommodation of the other customers that are going into the grocery store, that's all, that it's in a separate area. It's not, to me, about the evils of alcohol or anything else. It's just that if it's in a large grocery store, we're going to have it in a separate area, and this bill only applies to spirits. It is only on hard liquor, if they have this.

So I think that the bill, as drafted by the committee, is very narrow in scope. It never mentions children in the bill at all. This is not to shield them or protect children. This is just really for the accommodations, as it says, for the customers in the store, that they would not have to go through this testing area, and I think because it is so narrowly drafted, it does not mention children in it, it's only for the large store over 20,000, I think that this is a good provision to put in and I will be voting with the Minority Report on the floor.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I love the House of Representatives. It is always exciting to hear the opinions, the thoughts, the feelings, and the emotions that go into some of the arguments that come forward, but what I want to get back to is the facts. The facts are that the department already has to approve the area for anybody who wants to hold a tasting, so this bill basically creates a special set aside for grocery stores. That's the first bad thing. The second thing is that this bill doesn't just apply to hard liquor, it applies to everything. There are three sections to this amendment and all three of them deal with various sections of the law for all of the various alcohol that is served in this state. I again rise to oppose the present motion and ask you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. I rise a second time to briefly state that this isn't necessarily based on emotion but rather on experience. As a young man my job was to run a crisis intervention center, 24 hour hotline, suicide prevention. I then went on to get training as a substance abuse counselor and, in addition to doing drug counseling and substance abuse counseling; I worked with young people in the area where I was hired. It was actually York County Counseling Service at the time. My experience tells me that parents and families need help. They don't need us to be making it harder for them to do their job. Thank you, Madam Speaker.

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

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to acknowledge my error that the good Representative from Pittsfield has pointed out, that this also applies toward malt beverages and wine, and I apologize for any misinformation. He is absolutely correct, but I still stand in support of the motion.

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

ROLL CALL NO. 274

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Cleary, Cornell du Houx, Crockett P, Dill, Dostie, Duchesne, Eaton, Eberle, Eves, Flemings, Flood, Harlow, Haskell, Hill, Hinck, Hogan, Jones, Kent, Kruger, Legg, MacDonald, Magnan, Martin JL, Mazurek, Miller, Morrison, Nelson, Pendleton, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rotundo, Russell, Sanborn, Sirois, Smith, Stuckey, Theriault, Treat, Trinward, Valentino, Van Wie, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Beck, Bickford, Bolduc, Browne W, Burns, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Driscoll, Edgcomb, Finch, Fitts, Flaherty, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harvell, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Knapp, Knight, Lajoie, Langley, Lewin, Lovejoy, Martin JR, McCabe, McFadden, McKane, McLeod, Millett, Nass, Nutting, O'Brien, Peoples, Pinkham, Plummer, Pratt, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Schatz, Shaw, Stevens, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Wagner J, Wagner R, Weaver, Willette.

ABSENT - Ayotte, Connor, Cushing, Hayes, Tuttle.

Yes, 62; No, 84; Absent, 5; Excused, 0.

62 having voted in the affirmative and 84 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative TRINWARD of Waterville, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing Jacqueline Marie Maranda Dumas, of Rumford.

(HLS 951)

Which was **TABLED** by Representative PERCY of Phippsburg pending **ADOPTION.**

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to speak of a very special woman, Jacqueline Maranda Dumas. Jacquie was born in Rumford and was of French Canadian and native Canadian descent. After graduating from high school, she went on to proudly serve her country in World War II as a Navy Wave. She also served as a member of the Army Reserve during the Korean conflict. She married the love of her life, Paul Dumas, Sr. at the conclusion of WW II. They had two sons, Marc and Paul, Jr. Paul and his family are here with us in the gallery today.

Jacqueline lived in the woods of northwestern Maine in the town of Coburn Gore for many years after Paul Sr. retired from the peacetime Army to pursue his vocation of forestry engineer with Dumas Lumber Co.

While living in Coburn Gore, Jacqueline wrote about life, nature, the woods, and her family in several books of poetry which she published in the 1970s and 1980s. She loved to paint and did so until her eyesight failed to the point where she could no longer express her artistic intentions.

During her life, she worked at Oxford Paper Co., now called New Page Paper Group in Rumford. She was also a translator and transcriptionist for the Department of the Navy in Washington, D.C. She taught English to French-speaking students in Quebec and was a U.S. post mistress in Coburn Gore.

Jacqueline was involved in numerous volunteer and charitable endeavors during retirement as she gave so much of herself to her husband, family, and community. She will be missed by all. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to add just a couple of thoughts to this sentiment marking the passing of Mrs. Dumas, a real leader in the Rumford area and part of a family that stretches generations. Her grandson, Jarrod, was a classmate of mine at Mountain Valley High School, remains a close friend, and works today teaching history and government to young people at Mountain Valley. Mrs. Dumas represented the best in service to her community, as evidenced by her extensive military service and, later, her work as post mistress. More importantly, she passed on that commitment to service to her family, her son, Paul, who I have known all my life and who has been someone I've always looked up to, as well as her grandchildren.

As someone whose family like the Dumas family has been part of the Rumford community for generations, I appreciate how a strong woman like Mrs. Dumas could become central to her family and to our community. In these times when there is a great deal of mobility, there is a reason for families to stay together in a particular area, and I am sure that Mrs. Dumas was one of the reasons why generations of her family still live, work and serve the River Valley. I am pleased to join in this sentiment today and wish the best for the Dumas family in this time of remembrance. Thank you, Madam Speaker.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)** on Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1224) (L.D. 1725)

Signed:

Senator:

GOODALL of Sagadahoc

Representatives:

BOLDUC of Auburn

EBERLE of South Portland

DUCHESNE of Hudson

WALSH INNES of Yarmouth

WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-678)** on same Resolve.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford

KNAPP of Gorham

EDGECOMB of Caribou

READ.

On motion of Representative DUCHESNE of Hudson, **TABLED** pending **ACCEPTANCE** of either 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. 577) (L.D. 1499) Bill "An Act To Protect Confidential Consumer Records in Self-service Storage Facilities" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-389)**

(S.P. 584) (L.D. 1519) Bill "An Act To Ensure That Search and Rescue Dogs Are Afforded the Same Access to Public Accommodations as Service Animals" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-387)**

(S.P. 611) (L.D. 1604) Bill "An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-385)**

(H.P. 1256) (L.D. 1766) Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1257) (L.D. 1767) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1079) (L.D. 1535) Bill "An Act To Create a Smart Grid Policy in the State" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-695)**

(H.P. 1116) (L.D. 1578) Bill "An Act To Provide for Equitable Sharing by Service Providers of the Costs of the Public Utilities Commission and the Office of the Public Advocate" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-697)**

(H.P. 1117) (L.D. 1579) Bill "An Act To Facilitate Voting by Uniformed Service and Overseas Voters" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-689)**

(H.P. 1160) (L.D. 1632) Bill "An Act To Establish Biofuel and Ultra-low Sulfur Requirements for Number 2 Home Heating Oil" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)**

(H.P. 1173) (L.D. 1645) Bill "An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities" Committee on **UTILITIES AND ENERGY**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)**

(H.P. 1226) (L.D. 1727) Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-696)**

(H.P. 1233) (L.D. 1735) Bill "An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-691)**

(H.P. 1254) (L.D. 1763) Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-694)**

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

(S.P. 599) (L.D. 1562) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-391)**

On motion of Representative PIOTTI of Unity, 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. 590) (L.D. 1530) Bill "An Act To Facilitate Recovery Zone Facility Bonds" (EMERGENCY) (C. "A" S-381)

(S.P. 606) (L.D. 1599) Bill "An Act Regarding the Maternal and Infant Death Review Panel" (EMERGENCY) (C. "A" S-383)

(S.P. 632) (L.D. 1667) Bill "An Act To Amend the Election Laws and Other Related Laws" (C. "A" S-384)

(H.P. 1121) (L.D. 1583) Bill "An Act To Improve the Delivery of Community Corrections Services" (C. "A" H-679)

(H.P. 1125) (L.D. 1587) Bill "An Act To Amend the Animal Welfare Laws" (C. "A" H-684)

(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" (C. "A" H-680)

(H.P. 1211) (L.D. 1710) Bill "An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws" (C. "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) (C. "A" H-683)

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 as Amended** and sent for concurrence.

(H.P. 1174) (L.D. 1646) Bill "An Act To Establish a Broadband Policy for Maine" (EMERGENCY) (C. "A" H-685)

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
Senate as Amended**

Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine"

(S.P. 10) (L.D. 1)
(C. "A" S-378)

House

Bill "An Act To Include All Children in the Conditions of Education Report"

(H.P. 1261) (L.D. 1771)

House as Amended

Bill "An Act To Clarify the Informed Growth Act" (EMERGENCY)

(H.P. 1106) (L.D. 1569)
(C. "A" H-654)

Bill "An Act To Improve Access to Data in the Central Voter Registration System"

(H.P. 1155) (L.D. 1627)
(H. "A" H-687 to C. "A" H-656)

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

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

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

ENACTORS

Emergency Measure

An Act Regarding Liquor Licenses for Qualified Catering Services

(S.P. 596) (L.D. 1559)
(C. "A" S-375)

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

Emergency Measure

An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry

(H.P. 1131) (L.D. 1593)
(C. "A" H-643)

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

Representative BERRY of Bowdoinham **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 Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. I also would like to very much before we pass this bill, which I expect us to do very quickly here, I also would like to thank the other Madam Speaker, the good Representative from North Haven, for bringing this bill forward, and I would just like to take a moment, even though I know that this is going to be overwhelmingly supported, to just make sure that everybody knows what we're voting on here today. So often we have these votes and we see these unanimous votes come out of committee and we don't delve into them, so we don't really recognize the great things we might be doing for our state.

For a long time, lobster processors have been at a huge disadvantage in our state. We passed mutilation laws many years ago for very sensible reasons, to protect the resource, to make sure that our planned inefficient system of harvesting lobsters maintained itself knowing that somebody, people would look at the way we harvest our lobsters. We've overcome dragging and so many other issues. But Maine lobster processors have been able to complexly extract a lobster from the shell and sell lobster meat, or they have been able to take an entire lobster, more often than not, more than 80 percent of the time, sending it to our good friends to the north in Canada, where they then take the lobster that we couldn't take a tail off, take a little blade to it or take a claw, hit it with a hammer, and they just send us back a value added product at a much higher cost than they got it. Maine lobster processors will no longer be encumbered by those laws as a result of this action today. It will place us on a competitive scale. And if you ask a Maine lobster processor—if you ask a Canadian lobster processor what they'll do for the Maine lobster fisherman, I suspect they won't have an answer—but if you ask John Hathaway from Shucks Lobster Processing if he has a value added product with an opportunity to give additional money to the person that he's buying that product from, would he do it, his answer would be a resounding yes.

Ladies and Gentlemen, I hate to take anymore of your time, I shall not do so, but I would just like to share with you that your vote today is a vote for thousands of business men that we know as lobstermen and lobsterwomen in our state, and also the lobster processors. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 275

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P,

Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, MacDonal, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Bryant, Connor, Cushing, Hayes, Tuttle.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act Regarding Maine Public Employees Retirement System Life Insurance Policies

(S.P. 622) (L.D. 1657)
(C. "A" S-376)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

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

(H.P. 1237) (L.D. 1740)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou Bridge

(H.P. 1248) (L.D. 1754)

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. 125 voted in favor of the same and 5 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 Include Independent Practice Dental Hygienists in MaineCare

(H.P. 187) (L.D. 233)
(C. "B" H-647)

An Act To Amend the Charter of the Dexter Utility District

(H.P. 1065) (L.D. 1516)

An Act To Create the Buckfield Water District

(H.P. 1075) (L.D. 1525)
(C. "A" H-649)

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)

An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits

(S.P. 587) (L.D. 1529)
(C. "A" S-380)

An Act To Modernize the Bingo Laws

(H.P. 1229) (L.D. 1731)
(C. "A" H-646)

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

Resolves

Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans

(H.P. 60) (L.D. 71)
(C. "B" H-644)

Resolve, To Promote Geothermal Energy

(S.P. 455) (L.D. 1222)
(C. "A" S-369)

Resolve, Regarding Waste-to-energy Power

(H.P. 1221) (L.D. 1720)
(C. "A" H-650)

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

An Act To Adopt a Drug Benefit Equity Law

(S.P. 576) (L.D. 1498)
(C. "A" S-374)

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

On motion of Representative BERRY of Bowdoinham, 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: 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. 276

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey,

Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Connor, Cushing, Fletcher, Hayes, Tuttle.
Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters

(S.P. 595) (L.D. 1558)
(C. "A" S-379)

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

On motion of Representative BERRY of Bowdoinham, 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: 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. 277

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

NAY - NONE.

ABSENT - Ayotte, Connor, Cushing, Fletcher, Hayes, Percy, Thibodeau, Tuttle.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products

(H.P. 1159) (L.D. 1631)

(C. "A" H-673)

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

On motion of Representative BERRY of Bowdoinham, 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: 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. 278

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

NAY - NONE.

ABSENT - Ayotte, Connor, Cushing, Fletcher, Hayes, Percy, Perry, Thibodeau, Tuttle.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 4, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass** - Minority (6) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** 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)

TABLED - March 4, 2010 (Till Later Today) by Representative CLARK of Millinocket.

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

Representative TARDY of Newport **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 Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I find myself in a little different position this time than what we had two years ago based on what I received from information from groups who allow ATVs to use public lands. I'll share with you, if you haven't got it in front of you, some of the groups that are supporting the bill. Small Woodlots of Maine, Maine Farm Bureau, Maine Forest Products Council, Sportsman's Alliance of Maine, ATV of Maine, MSA of Maine. That changed my mind for what we did last year, mainly because we would not have ATV trails today if it wasn't for the private landowner to allow us to use the trail system. I can tell you right now in the Katahdin area, we're on the verge of opening up a major door for ATVs to come in our area that we never had before, mainly because of some of the laws, rules and regulations, and these clubs are working so hard to get ATVs to be used here in the State of Maine. It would be a major plus for the economy in the Katahdin area, and it would be a great access for people coming into our neighborhood. I can tell you right now, Men and Women of the House, nobody appreciates the Fourth Amendment anymore than I do, but when I step on somebody else's land at their whims and use, I know that some condition has got to come with it. I know that the law enforcement or the game wardens can stop snowmobiles, why can't they stop ATVs? Why are they being treated any different? I can tell you right now what I'm hearing out in the hallway, if this bill does not pass, there will be restrictions that would be put on the trail system. We've got over 6,000 miles of trail now. I'd like to see a lot more, but the only way it's going to happen is if we pass a bill like this. So when you vote, I hope you vote with the Majority Report and move this on to the other body. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. This actually turns around the legislation we enacted last year, as you know. Let me put things in perspective. First of all, I don't own an ATV, I do own private land but the law is clear. Before a four-wheeler can go on my private land, they have to ask me permission. So permission has to be granted. If for a minute I thought this law would allow us in northern Maine to have an open access to the woods beyond the gates, I would do whatever I could to agree with the good Representative from Millinocket, Representative Clark. We have no access for four-wheelers beyond the gates, Millinocket all the way up to Estcourt and west from Route 11 all the way to the Canadian border, because North Maine Woods is made up of some of the same players that were laid out by the good Representative from Millinocket as being for this bill, are the ones who are preventing us from having four-wheelers. So let's make that clear. This issue here is simple. It is whether or not

you need probable cause and let me try to describe it very simply. You are sitting on your four-wheeler in your yard. If this law passes a game warden can go in and check you on your property and you're not even moving. If this law does not pass then the game warden needs probable cause to go on that land, your land. There has to be some evidence that you are violating the law, not just because you are sitting there. This is very simple to me. It is probable cause. We are doing the same thing if we don't change this law, it's the same authority that state police have today. I believe that is correct and there are former members here of the state police force who can correct me if I'm wrong. So what we're saying is that game wardens should be in the same position as state police. No different, no less. So I would hope that you would vote against the Majority Report and vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Denmark, Representative Sarty.

Representative **SARTY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In regards to the good Representative from Eagle Lake, in reference to law enforcement authority, I think he well knows that a game warden, a state trooper, a deputy sheriff all, by Maine statute, have equal authority. This is not a law unique to the enforcement responsibilities of Maine game wardens. In fact, I think statistically more local law enforcement agencies/municipal departments handle ATV complaints than do the Maine Warden Service. What this issue boils down to, and when we met here last session one of the big factors that we were all waiting for on, at least the Fish and Wildlife Committee that heard this bill, was the decision by the Maine Supreme Judicial Court, where there were two appeals in reference to ATV stops pending. Since then, and now that we're meeting the Second Session, the court has ruled on both of those appeals and the court ruled that in the court's view there is no violation of the Fourth Amendment in a routine check of an all-terrain vehicle. Now the decision was close. It was 4-3 and some would argue that a 4-3 decision might in fact make the decision less of an impact than it would have had otherwise, but I might remind the members of the House and the other body if our own presence here were based on averages not even anywhere near this close, there would be a lot of empty seats in this room right now. A vote is a vote and the Supreme Court vote was 4-3, which has just as much of an impact in legal interpretation as a full majority vote.

As the good Representative from Millinocket has mentioned, a multitude of agencies and organizations have indicated their strong support for this bill. Really what we have to remember in our state, we have very little public land. Less than 8 percent of the State of Maine is publicly owned property. Ninety-two percent is private property. And whether you hunt, fish, all-terrain vehicle, snow sled, bird watch, camp or just enjoy going for a walk in the woods, we are allowed to do that in this state due to the consent and the willingness of private property owners to allow us access to their lands to enjoy recreational activity in Maine. The vast majority of these large owners, through the Maine Farm Bureau, North Maine Woods, the Nature Conservancy, Associated Sportsmen, the Maine Farm Bureau right there is 1.1 million acres. The Maine Blueberry Commission, Maine Forest Products Council, Small Woodlot Owners of Maine. In total, the supporters of this bill represent either ownership or management of over 4 million acres of land in the State of Maine. They want all-terrain vehicles checked that are operating on their property.

This is not an anti-ATV bill. ATV Maine, which is a statewide organization, is doing an excellent job, just as the snow machine clubs did 30, 35 years ago in establishing landowner relations

programs and accessing and opening up new ATV trails, and this is a good thing, but they are facing those same challenges that the snow machine clubs faced 35 years ago and are doing a good job. What we must recognize in our state is we are very limited for public land and we are extremely dependent on the use of private lands in order to recreate in the State of Maine. These landowners as well as significant representation of sportsman's groups—the Sportsman's Alliance of Maine, Maine Trappers Association, Maine Guides Association, North Maine Woods Sportsman Association, and the list goes on—also support this bill. This is not an effort on the part of the Maine Warden Service or any other law enforcement group to send out a swat team checking all-terrain vehicles all over the State of Maine, infringing on people's rights to enjoy themselves. It is an effort, however, to try and maintain the very delicate balance we have in Maine of a landowner relations program that all of us here are dependent on if we are to enjoy our outdoor activities in the State of Maine, and I think this puts a great deal of burden on this state Legislature to consider not only the legal side, which I think the Maine Supreme Judicial Court has answered, but to consider the wishes of Maine's landowners. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I rise in opposition to this pending legislation. I would like to respond to my good friend from Denmark's comments regarding the pending court cases that have been decided. First, in interest of full disclosure, I was one of the attorneys that was part of an unsuccessful appeal, and the Representative from Denmark has correctly articulated that in the McKeen case there was a 4-3 split decision that indicated that the former Title 12, as unamended, meant minimum constitutional scrutiny. I think it's important though that I recognize that that was my role as a lawyer in the court system and I today recognize my role here as a legislator. I think we have to have an understanding of where we fit in separation of powers here. It is pretty clear that it is the job of the courts to define and enforce constitutional minimums. It is the job of the Legislature, however, to enact laws that reflect the goals and values of the people. And setting aside the fact that I had a court case that I disagreed with, the issue is whether, as a matter of public policy, we should be trampling on individual rights.

Now a lot has been made of the support of the groups that are lobbying for support for the Representative from Denmark's bill, and I will offer this perspective. This is my eighth session here in Augusta. During my tenure here, I have been, I believe, a tireless advocate for the interests of agriculture, for private landowners, for the forest products industry as a whole. In fact, I had an employee that sat on the board of the Forest Products Council. I believe I have been a tireless advocate for landowners to be free of unduly burdensome regulations, to have favorable tax status, to promote open space and prevent sprawl, and to be part of the economic engine that is our forest products industry. I believe I in my personal life have also understand acutely the dynamic relationship between landowners and interest groups, such as ATV associations and snowmobile associations, and I have been a tireless advocate for those groups. But with all due respect to the lobby here in Augusta, an argument that landowner relations may be impaired doesn't compel a broadening of police power that tramples the rights of individuals. It's as simple as this, and I look at the yellow handout from the MCLU, it's as simple as this. One of our most fundamental rights is the right to be left alone and the landowner lobbies' argument ignores the interests of the individual. Expanding police powers so that, for example, a game warden has more authority over an ATV

operator than a state trooper has over a motorist is a concept I flat out disagree with. And, so yes, I understand the groups that have lobbied for the support of this bill, but if I am going to err, I am going to err on the side of the individual in this case. Thank you, Madam Speaker.

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

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to make a few points because I am also on the side of my good friends Representative Martin and Representative Tardy. I am a member of a number of those organizations and to quote my good friend Representative Martin awhile ago, no one asked my opinion, what I thought about this. In fact, this weekend, I'm sure many of you have gotten emails on Franklin County and the areas I represent, there is a lot of private land. I got two. Only one was from one of my constituents, and after I explained the situation to him, he changed his mind.

Secondly, my good friend Representative Clark talked about snowmobiles. Well, let me say this to you. Snowmobiles have a different set of rules. It is assumed, if I am correct, that they can be on your land and the game warden can in fact stop them to check their registration. When we asked in committee if that would be acceptable, we were told no. So there was an alternative.

Number three, the posting of land. If an individual wants to post his land, he can, and if he tells the game warden in fact you seen an ATV on my land, he is in violation, you can stop him, he doesn't need to stop him because he's already got a reason to go there because he's not supposed to be there.

Number four, and I too, as Representative Tardy has stated, have been tireless supporting my friends that own land, I probably sometimes to the extreme. But what I have great difficulty with is I've watched these people have things taken away from them continuously, whether it be, and rightfully in some case, to protect an eagle habitat, to change shoreland zoning, to change site location permits, and yet never once were we threatened that the land would be posted and now we have that threat coming in front of us.

Finally, I think what decided me on the committee to vote in the minority was the fact that when I asked the head game warden, well, suppose you stop me and I'm innocent. What do I do? Well, we'll decide in court. Well, in all deference to my good friends the lawyers, I really don't want them to get any richer than they already are. I will be voting against this. Thank you, Madam Speaker.

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

Representative **SHAW**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. A couple of things. First off, this bill really has very little to do with a landowner who happens to be sitting on his ATV on his property. This has more to do with the ATV operator that's operating the ATV on somebody else's property.

I'd like to read to you an email that I got. It's pretty short so bear with me. It's from a constituent of mine in Standish, so it just goes to show that this is not a north/south issue. This is an issue that is affected by the entire state. It says:

Representative Shaw, I am writing to you today regarding LD 1536, the proposed act that would change the manner in which game wardens can stop ATV operators on private land. My family's property in Standish has been plagued with ATV problems for many years, largely because we allow the land to be used for snowmobiling. I have witnessed firsthand the destruction and disrespect some, not all, ATV operators have

displayed when it comes to private property. Largely because of their actions, while I have kept the snowmobile trail open, I have posted the property access by permission only and do not allow ATVs to use the land. It should be considered common sense, a common sense measure to allow our hardworking and dedicated game wardens to stop anyone and politely inquire about certain activities that individuals engage in, particularly activities involving motorized vehicles. They are tasked with protecting our precious natural resources. ATVs do just the opposite when misused and are operated by trespassing. Please give families such as mine the peace of mind to know that our game wardens have the ability to enforce natural resource laws and protect private property. I ask that you please vote in favor of LD 1536. Thank you.

There are a couple of things I'd like to point out. The title of the bill, the title of the bill is misleading. Under Title 12, Chapter 907, section 10402, paragraph four, all-terrain vehicle laws, it states right here in the law book, Title 12, all law enforcement personnel of the state, including those of the Bureau of Forestry, have the same powers and duties as game wardens to enforce ATV laws. I read the wrong section, sorry. All law enforcement personnel of the state, including those of the Bureau of Forestry, have the powers and duties to enforce chapter 939 and any other provision of this part regarding ATVs. This language was adopted when the ATV Task Force was created to implement ATV laws when ATVs came under wider use and the Legislature realized that this could be a landowner's nightmare. I'll read it, right in Title 12. The Legislature finds that activities associated with ATVs constitute a more intrusive use of private property open to recreational use by the public than do other recreational activities, and that abusive uses of ATVs puts access to private property for recreational use at risk. That's part of Title 12 already. The permission requirement and commitment to enforce the law was a promise made to landowners and was put in place because so many landowners were having problems with ATVs, and they were posting the land for all uses including snowmobiling, bird watching, fishing, a host of all other postings.

Regarding law enforcement officials, this is nothing to do with just game wardens as they stated. This regards all law enforcement officials in the state. It has to do with state police, game wardens, county sheriffs, forest rangers. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Being the youngest member in this body, I must confess that I've been tireless of nothing to this point. I am reminded though on the issue of landowner's use of a particular conversation I heard, oh, five or six years ago, at a religious meeting where one person was discussing his religious catharsis. He had been driving down a slippery road in Farmington, the car spun out of control, slid off into the road. He said he looked up and he saw a sign. With bated breath I waited. Was it an angel next to him? No. He said the sign said "No Hunting" and "No Trespassing" and God was trying to tell him that he should stop seeking him and stop trespassing his laws. A cynic in the congregation piped in and said if you see that on my property, God didn't put in there, I did, and it means no hunting and no trespassing.

For 20 years, on the road that I have lived, I have watched the posted signs go up. Now I think with the exception of about one spot of 67 acres on a 3 mile road there isn't a single non-hunting sign. Most of the area there, I'm allowed to hunt because if they know you, if the people know who you are, know you are credible, why they let me I don't know, but they will let you hunt.

This is a hard issue for me as well as it is for many people because there are certain unreconcilable issues. You have an issue of private property and you have an issue of individual rights, and probably wherever you come down strongest on that is where you are going to come down on this issue. But if we don't respect the private property owner rights in this state, we are going to, as sportsmen and hunters, see more and more of these signs telling us not to hunt. And I would also like to pose a question to this body.

The SPEAKER: The Representative may pose his question.

Representative **HARVELL**: That would be if I am hunting on my own land in the fall with a rifle, I believe I'm not mistaken that a warden has a right, right now, to walk up and ask me to see a hunting license. What is the difference if they have to walk up and ask for a permission slip, whether it is your land or not?

The SPEAKER: The Representative from Farmington, Representative Harvell has posed a question through the Chair to anyone who may care to respond. Seeing none.

The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. To me, this bill is nothing more than doing something that we do every year. We do it with many pieces of legislation. We pass a piece of legislation and we come back next year and we find out we made a mistake, so we change it. It is my belief that all of the people that came to the committee, all of the organizations that came to the committee, they said that we made a mistake. That is all this bill does. It corrects a mistake that we made last session. Many people, many groups came to the committee and asked that they make this correction. Keep in mind this bill only changes action that can be taken on private land. I know I feel that it's my right to say who can and who can not come on my private land, and I think that any property owner has the right to say if they don't want ATV on their private land and they have the right to expect that a game warden can come and check and see if that person has permission. That's the way it was prior to last session and I believe that we should go back to that.

I have a constituent who is a law abiding family man, he works hard, he raised his family, he contributes to our community and he never asks this Legislature for anything, but a couple of weeks ago I was at his house and he was concerned about this legislation. He wants us to pass this bill. He owns between 130 and 140 acres of land and he said if this bill does not pass he will post his land. He doesn't want to do that. He said he wants to keep his land open for hunting, for bird watching, and for folks just to go out and enjoy the woods. But he feels that ATV folks, not all, but some do not respect the landowners' rights. He feels that they want to trump the landowners' rights. He said that a number of landowners that he knows have told him that if we do not pass this bill they too will post their land. I think we need to go back to what we had prior to last session. Thank you.

Representative DILL of Cape Elizabeth **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1536. Looking over my notes, I crossed off quite a bit considering a lot of how I feel has already been said, but I do feel that I have some other pointers that I think its very important that I get the message out there.

The ability to enjoy an ATV recreation is almost total dependent on the consent of private landowners—access to

private lands in Maine is a privilege, not a right.

If the state is going to receive money through the 62,137 ATVs registered in 2008/2009 season, knowing that the vast majority of ATVs will be ridden on private property, it has a responsibility to ensure those ATV riders are on the private property with the consent of the landowner.

According to Colonel Joel Wilkinson, Chief of the Maine Warden Service, he stated that the good will of Maine's landowners has worn thin and although there are many responsible ATV riders, irresponsible riders are trespassing, digging up the land and polluting streams and angering landowners. This anger has resulted in certain property being closed for all activities, not just ATV use. In the State of Maine, 92 to 94 percent of the land is privately owned and this poses significant concerns for all of us that access private property for recreational use.

As a result of the number of these issues, Governor Baldacci had formed a task force by Executive Order in May of 2003. The goals of the Governor's ATV Task Force were to: one, protect landowners and their property from disturbances and damage caused by ATVs; two, to improve law enforcement response to complaints regarding ATVs; three, to develop a high quality trail system that protects the environment and the rights of the landowners while offering ATV riders a chance to enjoy multi day trips, sport riding areas and access to popular destinations.

Once the committee finished their important work, an action plan was set in place that included introducing new legislation at which point the Maine Legislature provided the text regarding their findings. "The Legislature finds that activities associated with ATVs constitute a more intrusive use of private property open to recreational use by the public than do other recreational activities and that the abusive users of ATVs put access to private property for recreational use at risk." The Legislature spoke clearly and implemented mandatory penalties for certain violations and mandatory suspensions of all licenses, permits and registration.

The number of registered ATVs has risen significantly over the last 10 years and so have the number of accidents and complaints by landowners about property abuse. Landowners' goodwill is wearing thin. According to a recent report provided by Colonel Wilkinson, received from the Maine District Court system, an overview of some court data is as follows, and I am only highlighting a few points of interest: For 2009, operating an unregistered ATV, there were 346 violations. A child ages 10-16 unlawfully operating an ATV, 22 violations. This number jumped from 19 in 2008 to 22 in 2009. How many accidents and deaths have we seen over the years with ATVs with young children operating them without proper guidance or training? It's imperative that law enforcement have the authority to oversee these things. For our children and grandchildren's safety. Unaccompanied under age 16 operating an ATV, violations 10. This number is down from 18 in 2008 and I'm sure this is due to law enforcement exposure. In 2009, operating an ATV on another's land without permission, 47 violations. Back in 2006, there were 106 violations. This number has continued to decrease through the years. In an unlawfully permitted operation of an ATV in 2009, there were 40 violations. If law enforcement officials were unable to stop them, they would have never known they were operating their ATV illegally. Back in 2005, this number was as high as 65 and has continued to decline through the years.

Before this law was changed last year, all law enforcement officials, game wardens, local, county and state police all had the right to stop any recreational vehicle whether it be a boat, a snowmobile or an ATV, along with any motor vehicles without a

reasonable articulable suspicion. How many roadblocks do police put up during holiday seasons and check vehicles over without the necessity of having a reasonable articulable suspicion to do this? In the end, quite often, these road blocks end up proving to have positive results and could possibly have saved someone's life. It's not fair to take ATVs out of this equation. This law needs to be in uniform with all recreational and motor vehicles. Why should ATVs be any different?

ATVs can create the most damage to private property. Boats are on water, snowmobiles are on snow. In these environments, the opportunity for damage is far less than the environment of ATVs. ATVs can create and do the most damage because they are on dry and, quite often, muddy lands. Landowners need to know that their land is being protected.

I, too, own an ATV and I also have acreage so for me this is very important as well. Although I do understand and respect the other side of this equation, I also have a constituent of mine who owns 60 acres of land and he wants his privacy on his own land. He has given permission for ATVs and snowmobilers to use his land as he chooses. He had recently asked me that if he is out on his own land with an ATV and is drinking alcoholic beverages while driving his ATV, can a game warden stop him and arrest him if he is on his own land doing this. I am sure many of you have wondered and thought about this question as well.

Well, I emailed Colonel Wilkinson again and asked him specifically what this answer might be. His answer to my question was, and I quote: The majority of recreational vehicle use occurs on private land, as 92-94 percent of the state is privately owned. In order for someone to be arrested for OUI, they would need to be under the influence and the size of the person and their body make up would determine how much they could drink before being .08 percent. You could not be arrested for merely drinking a beer and operating your ATV on your own land, however, if they were intoxicated to the extent that they had a blood alcohol level of .08 or more, they could be, just like you could on the other 92 percent of the state's land that is private. To put this in perspective, he says, you can be arrested for driving a motor vehicle on the golden road drunk even though it is a private road. Public safety is the important underlying piece of this question. In my 18 year career, I have never encountered or arrested an individual on his back lot for OUI on an ATV, they are generally on the trail system or using our highways after their operator's license has been suspended.

If your constituent is having a beer on a Sunday while cruising his woodlot, there would not be an issue on his land. If he is planning to get falling down drunk and then operating his ATV, he could be charged. This would apply whether or not this legislation passes. The only difference would be we would need the articulable suspicion to stop him in the second situation. Either way, no one should be driving drunk period.

For me, in closing, looking at the big picture, the State of Maine and many large and small landowners provide the natural resources available and necessary in order for each of us to enjoy and ride our ATVs in our great outdoors, including myself. For without the landowners opening their land to us, we wouldn't have anything. Very little ATVing in Maine. This sport would almost come to a screeching halt. This industry has grown by leaps and bounds over the past few years. We have worked so hard to get where we are today with landowner relationships. Each one of us needs to be responsible for ourselves and our actions out there on the trails, to not abuse it. Let's please not go backwards. Please follow my light and support LD 1536. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I'd like to bring you back to the issue of probable cause. It is really very simple. If you believe the game wardens ought to be like other law enforcement officers in Maine you'll vote with me. If you believe they ought to have more rights then you obviously vote for the Majority Report. But to the Representative from Augusta, Representative Crockett, I would suggest for the person that she represents that all a person has to do, because obviously under the law now a person needs to have permission to enter and ride on that land, and all that person needs to do so that he wants every law enforcement to have the right to go on that land whenever there is someone else there, he can put up a sign which says I have given permission to law enforcement officers to come on my land to check anyone who is riding an ATV. At that point, probable cause has occurred, there is absolutely no problems, no legal problems from that, and that consent is given and that's the way it can be handled.

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 rise in support of the pending motion as a farmer and as having a lot of farmers come in front of our committee who have had a real problem over the years and an accelerating problem with ATVs. Snowmobiles aren't a problem because of the season that they come on the land and the work that the snowmobiles have done to get together. There was a real sense of helplessness amongst the farmers and stories that came out of going out the next day and finding your cornfield destroyed, losing your crop, your pasture torn up, your fences run through. I will say that that is improving but one of the reasons is because of the legislation that has come through over the last several years, that have helped with enforcement, that the enforcement folks that came in front of our committee said it was a real problem and difficult to enforce, and if I could see the land that someone might be on, it would be one thing, but many farmers can't see all of their property. So I am encouraging you to support the pending motion, although I do very much appreciate what the Representative from Eagle Lake just said. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am having a hard time understanding this debate. Let's go back to the right that the good Representative from Newport feels is being violated in this case. The good Representative from Eagle Lake feels that he has a right that is being violated. Before we go to that, the Representative from Eagle Lake proposed a solution to this and that is that a landowner could post a sign saying I've given permission and so and so and so. That landowner is going to post a sign alright, but it's going to say "Posted" or it's going to say "No ATVs". It's not going to allude to some deal that he has with local police. What rights are we talking about here? The good Representative from Newport felt that he had a right to be left alone. I don't guess there is anybody here that is going to deny that because that is probably true. But read the state constitution, read the federal constitution. You'll never find a right to trespass, a right to be on somebody's property without permission. So we're not stepping back saying we're taking away any rights because, to begin this process, as an ATV operator you don't have any right to be where you are unless you have landowner permission. So we get to that stage.

Here I am, I've got landowner permission. Now that deal was worked out back in 2002-2003 by the ATV Task Force and if you

were around at that time you know that was no easy group to deal with. That was a tough bunch of negotiations. And the ATVerS were in the same position that the snowmobilers were back in the early 60s. They were considered hooligans, vandals on wheels, and so they were treated with that kind of suspicion when they went into those discussions. The bottom line, stayed in those discussions, came out of those discussions, was that ATV use would be limited to permission only, that while you may not want to post you can walk across my land with a rifle, the only person who can stop you is a game warden or somebody that suspects you may be hunting without a license, but if you are on an ATV you've got to have permission. So you don't have any right to operate that ATV without that permission. So there is no right being violated by a game warden saying excuse me, sir, do you have permission to be here? There are no rights being violated because there is no intrinsic right for you to be there to begin with without permission.

I will finish this. Just to remind you that I will not be here next time around. If this bill is not passed, if we have this same problem next time in the 125th, right now we are beginning the debate with about 5,000 miles of ATV trails existing in Maine. If you begin this debate in the 125th you are going to start with 4,000 miles of ATV trails in the State of Maine. If you delay it much longer that number will continue to shrink, because right now the only option the landowner has is, one, trusting law enforcement to make sure people are not driving ATVs on his property without permission or, two, post his land, and here in the south that's the easy answer and here in the south that happens more often than not. And if he is only posting his land because he is irritated at ATVs, he's not going to say ATV only. He's going to post his land and then hikers, bird watchers, dog walkers, everybody is going to suffer from the lack of access. Access is what we are talking about here. We are talking about trust. We've got to give the landowners some assurance that this deal they worked out in 2003 to allow ATVs to even exist in Maine is going to have some enforcement teeth to it. It's not a matter of it's a matter of rights, you've got to begin with the right of being on the property where you claim to be. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I have to humbly disagree with the good Representative from Bath. It's not often I get to stand up and agree with the good Representative from Newport and the good Representative from Wilton, so I'll take that opportunity. I didn't know that by supporting somebody's individual, I believe, constitutional rights to avoid illegal search and seizure, I'm somehow anti farmer and anti landowner and anti everybody it sounds like. My question becomes I can't believe that when you can get pulled over on a state road any where around, on a county road or a private road, as it's been mentioned, for having a taillight out and that gives you enough suspicion to pull somebody over and ask them questions and check their ID and all of that, how on God's green earth the game wardens don't have that ability to do with somebody ripping up somebody's land. If they see somebody ripping and tearing and doing something illegal and throwing beer cans off, I mean there is all sorts of different things that you can use to get articulable suspicion without just randomly stopping somebody who you don't know is the owner or not the landowner. It could be their own land. Do they have to write themselves permission? Do they have to have a permission slip from them self to allow them to be on their own land? I just think we've got to be careful and I understand the concern, especially the

reputable ATV groups who are trying really, really hard to self police themselves and to get out the information that this is unacceptable behavior for a lot of people, and I really appreciate that. The Airline ATV Riders in my neck of the woods have done a great job with that. I don't believe that game wardens or law enforcement needs anything more to do their job, and I know that's a disagreement and that's where we're going to lie and I'm okay with that.

I also think that if you tell your local game warden that you have said, hey, I don't want to post my land but I have a whole bunch of ATVerS who are ripping this up and they don't have permission, they don't have permission, is that not enough articulable suspicion if you see an ATV rider on that land to pull them over and ask them if they have permission? Maybe I'm wrong. Maybe it's not. I'd appreciate a lawyer or a police officer telling me that, but it seems to me that should be enough. Regardless of signs, regardless of anything else, if you tell your local law enforcement I want a property check, you can do that now. You can say, hey, I want a property check, I want to make sure that my doors aren't open when I'm gone and things like that, if you say that to a law enforcement officer right now, they can drive by. If they see somebody on an ATV ripping apart your land, it seems to me that is enough articulable suspicion to be able to do that. I'm not a lawyer, I'm not a cop, but I do believe in individual's rights and I just want to make sure that we don't push too far in either direction. I think the laws that we have, they are there to help out law enforcement do their job. I think they are working, some would disagree. I respectfully request that we vote Ought Not to Pass on this bill, and I really do appreciate all the work that's gone in to it to this point. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. We've heard a little bit today about the dwindling private land where ATVs may be used. There is also another aspect of our society that is dwindling. John Adams said this: *A constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever.*

Now we've also heard about the Legislature and the legislative process, that it's our role to pass good public policy and to balance the interests of public safety, private landowners and individual freedom. The law we crafted last session was a good law and it was not in error. It does not need to be changed by the pending motion here. We've also heard of the role of the judiciary, that they are to interpret the constitution and the laws of this state and apply those laws to the facts before them. When we haven't heard much about is the role of the executive branch, which includes enforcement agencies, including the game wardens.

Now the difference from what we've heard about the legislative branch and the judicial branch is that our role is tempered with standards. We have certain duties here in this body as to how we pass those laws. Every one gets a full and fair hearing. And it's the same with the judicial branch. There are certain standards put in place as to how cases come before them and how their decisions are made. If this motion were to carry, let's be clear. There is no standard for stopping individuals in their going about their business, going about their enjoyment of this great state and what it has to offer. There would be no standard at all. The law enforcement officer can stop for any reason or no reason. This law that we passed last session requires reasonable articulable suspicion, which is a very

minimum standard that protects the individual interests, protects liberty, and balances those needs of the private landowner and public safety. That being the case, I would just urge the members to vote Ought Not to Pass on the pending motion. Thank you, Madam Speaker.

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

Representative **SHAW**: Thank you, Madam Speaker. With respect to the Representative from Houlton, the law enforcement officials would still be required to have reasonable and articulable suspicion on public property, such as driving across a lake or any other public lands. This is only regarding ATV's use on private property. Generally speaking, what they are talking about is people who are riding an ATV on someone else's property. Thank you, Madam Speaker.

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. 279

YEA - Austin, Beaudette, Beaudoin, Berry, Bolduc, Briggs, Browne W, Campbell, Casavant, Cebra, Chase, Clark H, Cohen, Cornell du Houx, Cotta, Crockett P, Dostie, Duchesne, Eberle, Eves, Finch, Flood, Fossel, Gilbert, Giles, Hamper, Hanley, Harvell, Haskell, Hill, Hogan, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Langley, Lovejoy, Mazurek, McLeod, Millett, Nass, Peoples, Percy, Peterson, Pieh, Pinkham, Piotti, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Shaw, Sirois, Smith, Sykes, Theriault, Tilton, Trinward, Van Wie, Watson, Weaver, Welsh, Madam Speaker.

NAY - Adams, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Boland, Bryant, Burns, Butterfield, Cain, Carey, Celli, Clark T, Cleary, Crafts, Cray, Crockett J, Curtis, Davis, Dill, Driscoll, Eaton, Edgecomb, Fitts, Flaherty, Flemings, Fletcher, Gifford, Goode, Greeley, Harlow, Hinck, Hunt, Johnson, Joy, Lajoie, Legg, Lewin, MacDonald, Magnan, Martin JR, Martin JL, McCabe, McFadden, McKane, Miller, Morrison, Nelson, Nutting, O'Brien, Pendleton, Perry, Pilon, Plummer, Pratt, Priest, Rotundo, Russell, Saviello, Schatz, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Thibodeau, Thomas, Treat, Valentino, Wagner J, Wagner R, Webster, Wheeler, Willette, Wright.

ABSENT - Ayotte, Connor, Cushing, Hayes, Tuttle.

Yes, 70; No, 76; Absent, 5; Excused, 0.

70 having voted in the affirmative and 76 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Representative MARTIN of Eagle Lake moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 280

YEA - Beaulieu, Bickford, Blodgett, Boland, Burns, Butterfield, Cain, Carey, Celli, Cleary, Crafts, Cray, Crockett J, Curtis, Davis, Dostie, Driscoll, Eaton, Edgecomb, Fitts, Fletcher, Gifford, Goode, Greeley, Hunt, Johnson, Joy, Lajoie, Langley, Magnan, Martin JL, McCabe, McFadden, Morrison, Nutting, O'Brien, Pendleton, Perry, Pratt, Priest, Richardson W, Rotundo, Russell,

Saviello, Schatz, Stevens, Stuckey, Sutherland, Tardy, Thibodeau, Thomas, Treat, Wagner J, Wagner R, Webster, Wheeler, Willette.

NAY - Adams, Austin, Beaudette, Beaudoin, Beck, Berry, Blanchard, Bolduc, Briggs, Browne W, Bryant, Campbell, Casavant, Cebra, Chase, Clark H, Clark T, Cohen, Cornell du Houx, Cotta, Crockett P, Dill, Duchesne, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Fossel, Gilbert, Giles, Hamper, Hanley, Harlow, Harvell, Haskell, Hill, Hinck, Hogan, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Legg, Lewin, Lovejoy, MacDonald, Martin JR, Mazurek, McKane, McLeod, Miller, Millett, Nass, Nelson, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Rankin, Richardson D, Robinson, Rosen, Sanborn, Sarty, Shaw, Sirois, Smith, Strang Burgess, Sykes, Theriault, Tilton, Trinward, Valentino, Van Wie, Watson, Weaver, Welsh, Wright, Madam Speaker.

ABSENT - Ayotte, Connor, Cushing, Hayes, Tuttle.

Yes, 57; No, 89; Absent, 5; Excused, 0.

57 having voted in the affirmative and 89 voted in the negative, with 5 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**.

Representative CLARK of Millinocket moved that the House **RECONSIDER** its action whereby the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I am curious to know whether he was on the prevailing side.

On **POINT OF ORDER**, Representative MARTIN of Eagle Lake asked the Chair if the Representative from Millinocket, Representative CLARK had voted on the prevailing side.

The SPEAKER: On the record, he was not on the prevailing side.

The Chair advised Representative MARTIN of Eagle Lake that the Representative from Millinocket, Representative CLARK had not voted on the prevailing side.

Representative MARTIN of Eagle Lake moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

On motion of the same Representative, **TABLED** pending the motion of Representative MARTIN of Eagle Lake to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned. (Roll Call Requested)

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

(S.P. 575) (L.D. 1497)

- 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-377)**.

TABLED - March 4, 2010 (Till Later Today) by Representative CURTIS of Madison.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-377)** was **READ** by the Clerk.

Representative MCKANE of Newcastle **PRESENTED House Amendment "A" (H-701) to Committee Amendment "A" (S-377)**, which was **READ** by the Clerk.

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

Representative **MCKANE**: Thank you, Madam Speaker. Madam Speaker, Members of the House. This is a friendly amendment and the sponsors and proponents of the carbon monoxide smoke detector bill are in favor, as well as the Fire Marshal's Office and the Fire Chiefs Association. The language in the original bill said that dwellings in the State of Maine had to have a combination smoke detector/CO detector within 30 days of acquisition. This requirement could have caused a hardship and been troublesome, in some cases, where a buyer purchases a piece of property and then guts it and it might be in the state of construction for six months or more before occupancy. So this amendment simply changes the language slightly to say 30 days from acquisition or 30 days from occupancy, whichever is later. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-701) to Committee Amendment "A" (S-377)** was **ADOPTED**.

Committee Amendment "A" (H- S-377) as Amended by House Amendment "A" (H-701) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, March 11, 2010.

SENATE PAPERS

Bill "An Act To Authorize a Bond Issue for Ratification by the Voters for the June 2010 Election To Create Jobs in the State"

(S.P. 724) (L.D. 1816)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 592) (L.D. 1546) Bill "An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-395)**

(S.P. 655) (L.D. 1683) Bill "An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-396)**

(S.P. 657) (L.D. 1724) Bill "An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-393)**

(S.P. 681) (L.D. 1775) Bill "An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-394)**

(H.P. 1167) (L.D. 1639) Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs" Committee on

TRANSPORTATION reporting **Ought to Pass as Amended by Committee Amendment "A" (H-699)**

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1296) (L.D. 1812)

Resolve and accompanying papers **REFERRED** to the Committee on **TAXATION** in the House on March 9, 2010.

Came from the Senate Resolve and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

On motion of Representative PIEH of Bremen, the House voted to **RECEDE AND CONCUR**.

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

On motion of Representative BRIGGS of Mexico, the House adjourned at 12:49 p.m., until 10:00 a.m., Thursday, March 11, 2010 in honor and lasting tribute to Jacqueline Marie Maranda Dumas, of Rumford.