

MAINE STATE LEGISLATURE

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

Volume II

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May 28, 2009 – June 12, 2009

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January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
21st Legislative Day
Tuesday, March 16, 2010

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

Prayer by Reverend Alice A. Hildebrand, First Congregational Church of Deer Isle and Sunset Congregational Church, UCC.

National Anthem by Allyson Michaud, Danielle Lane, and Kellie Moody, Caribou High School.

Pledge of Allegiance.

Doctor of the day, Steven Wilson, M.D., Morrill.

The Journal of Thursday, March 11, 2010 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

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

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)** in the House on February 23, 2010.

Came from the Senate with the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-640)** in **NON-CONCURRENCE**.

On motion of Representative BEAUDETTE of Biddeford, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse"

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

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-613) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto in the House on February 23, 2010.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-612)** in **NON-CONCURRENCE**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 288)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 11, 2010

Honorable Elizabeth H. Mitchell

President of the Senate
Honorable Hannah M. Pingree
Speaker of the House of Representatives
124th Legislature
State House

Augusta, Maine 04333-0003

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Insurance and Financial Services from the review and evaluation of the State Employee Health Commission under the Government Evaluation Act. In its review, the committee found that the Commission is operating very effectively within its statutory authority. The committee found that Commission has achieved the highest level of success in meeting its statutory role as trustee of the State employee health and dental plan.

As created by statute, the Commission has a unique structure as all votes of the commission are limited to one collective vote cast by all labor members and one collective vote cast by all management members. The committee found that this requirement has necessitated consensus-building among the members and contributed to the Commission's effective oversight. The Commission has become a leader in developing innovative models to contain costs, improve quality and reform payment for health care services. As a result, the health and dental plans are effectively managed within budgeted resources but continue to provide access to high-quality and affordable health care to State employees, retirees and their dependents. We commend the twenty-four Commission members and Frank Johnson, the Executive Director of the Office of Employee Health and Benefits who serves as an ex officio member of the Commission, for their achievements.

Sincerely,

S/Senator Peter B. Bowman

Senate Chair

S/Representative Sharon Anglin Treat

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 289)

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

March 16, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Benjamin Marriner Pratt of Eddington to serve as Speaker Pro Tem to convene the House on Wednesday, March 17, 2010.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 726)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010

Sen. Justin L. Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Patricia B. Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs

124th Legislature
Augusta, ME 04333

Dear Senator Alfond and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated Lance Meadows of Penobscot for appointment to the Maine Maritime Academy, Board of Trustees as a Student Member.

Pursuant to Public Law 1975, Chapter 771 §428 this nomination 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. 727)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010

Sen. Peter B. Bowman
Senate Chair, Joint Standing Committee on Insurance and Financial Services

Rep. Sharon Anglin Treat
House Chair, Joint Standing Committee on Insurance and Financial Services

124th Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Treat:

Please be advised that Governor John E. Baldacci has nominated William Lund of Portland for reappointment as the Superintendent of the Bureau of Consumer Credit Protection.

Pursuant to Title 9-A M.R.S.A. §6-103, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services 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 **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

The Following Communication: (S.P. 728)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010

Sen. Peter B. Bowman

Senate Chair, Joint Standing Committee on Insurance and Financial Services

Rep. Sharon Anglin Treat

House Chair, Joint Standing Committee on Insurance and Financial Services

124th Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Treat:

Please be advised that Governor John E. Baldacci has nominated Lloyd P. LaFountain III of Biddeford for reappointment as the Superintendent of the Maine Bureau of Financial Institutions.

Pursuant to Title 9-B M.R.S.A. §211, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services 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 **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

The Following Communication: (S.P. 729)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010

Sen. Peter B. Bowman

Senate Chair, Joint Standing Committee on Insurance and Financial Services

Rep. Sharon Anglin Treat

House Chair, Joint Standing Committee on Insurance and Financial Services

124th Legislature
Augusta, ME 04333

Dear Senator Bowman and Representative Treat:

Please be advised that Governor John E. Baldacci has nominated Mila Kofman of Augusta for reappointment as the Superintendent of Insurance.

Pursuant to Title 24-A M.R.S.A. §201, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services 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 **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

The Following Communication: (S.P. 730)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010

Sen. Lawrence Bliss

Senate Chair, Joint Standing Committee on Judiciary

Rep. Charles R. Priest

House Chair, Joint Standing Committee on Judiciary

124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:
Please be advised that Governor John E. Baldacci has nominated the following to the Maine Indian Tribal State Commission:

Cushman Anthony of North Yarmouth, appointment
Paul Jacques of Waterville, reappointment
Paul Thibeault of East Machias, appointment
H. Roy Partridge of Scarborough, appointment
Pursuant to 30 M.R.S.A. §6212, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

The Following Communication: (S.P. 731)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 8, 2010
Sen. Seth A. Goodall
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Robert S. Duchesne
House Chair, Joint Standing Committee on Natural Resources
124th Legislature
Augusta, ME 04333

Dear Senator Goodall and Representative Duchesne:
Please be advised that Governor John E. Baldacci has nominated M. Wing Goodale of Falmouth and Richard Gould of Greenville for reappointment to the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural 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 **NATURAL RESOURCES**.

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

The Following Communication: (S.C. 683)

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

March 11, 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 Agriculture, Conservation and Forestry, the nomination of Honorable Elizabeth Townsend of Portland for appointment as the Commissioner of the Department of Conservation.

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

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements" (EMERGENCY)

(H.P. 1300) (L.D. 1820)

Sponsored by Representative TARDY of Newport.
Cosponsored by Representatives: EDGECOMB of Caribou, JOHNSON of Greenville, RICHARDSON of Carmel.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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 item:

Recognizing:

the Maine Warden Service, on the 130th Anniversary of its creation, March 9, 2010. In 1880, the 59th Maine State Legislature enacted legislation to expand the duties of previous Commissioners of Fisheries to include enforcement of all matters pertaining to game as well as fisheries, creating the position of State Game Warden as we know it today. The Maine Warden Service was given the task of protecting our fish and wildlife resources and given the responsibility of conducting search and rescue missions for persons lost in Maine's woods and on Maine's inland waters. There have been significant changes in the Maine Warden Service over the years, but the one thing that has remained constant is the commitment and dedication to the job by those who serve as game wardens. We recognize the Maine Warden Service on this anniversary and we extend our appreciation to the past and present members of the Service for their efforts in protecting Maine's precious resources;

(HLS 984)

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator BRYANT of Oxford, Senator JACKSON of Aroostook, Senator TRAHAN of Lincoln, Representative WHEELER of Kittery, Representative EBERLE of South Portland, Representative BRIGGS of Mexico, Representative SHAW of Standish, Representative DAVIS of Sangerville, Representative McLEOD of Lee, Representative SARTY of Denmark, Representative CRAFTS of Lisbon, Representative SAVIELLO of Wilton.

On **OBJECTION** of Representative CLARK of Millinocket, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. It's really a great honor for me today to get up and recognize the Warden Service, who a lot of times do not get the recognition that they should be getting, man or woman. They dedicate their whole lives to keep the animals, the fish and game. Everything that we take for granted, it's going to be there tomorrow.

It's hard to believe it's been 130 years, has already gone by. In 1880, the 59th Maine Legislature enacted legislation to expand the duties of the Fish and Wildlife Department. And I can tell you right now, every time we come here, we add more responsibility on the department and a lot of times with that responsibility come little or no money that goes with it. So they really do a yeoman's job by preserving what we have out there with our heritage. With that, Men and Women of the House, I want to congratulate the Warden Service and wish them the very best of luck from the Inland, Fisheries and Wildlife Committee, and I want to see them around here because I'll present the next one for the next 130 years. Thank you very much, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker. Good morning. Good morning to the House of Representatives. I, too, rise to recognize the Warden Service. My community, my hometown of Gray, has the extra added benefit of having a regional Warden Service office. It has been in our town for approximately 24 to 25 years. Coincidentally the Warden Service sits adjacent to the Maine Wildlife Park, a favorite place of mine as you all know, and the Forest Services too are all across from Crystal Lake on Shaker Road. I believe that the responsibilities that our wardens are most commonly known for are protecting and having oversight over trapping and hunting and the monitoring of snow machines and ATV activities as well. We've all heard about the bills that could affect not only their oversight but the protection of our citizens and our resources. But, however, one of the most difficult duties that I believe that this Warden Service has is in the search and rescue that they perform without any forewarning for a lost child, a boater, a swimmer, a skier, a crashed airplane in the wooded mountains, and so on the list goes.

The Warden Service also has a highly trained diving team that does strategic searches, as we all recall in the tragic Long Lake boating incident. And to add to all that safety net, the Maine Warden Service uniquely has its own chaplain. This position in and of itself has received national recognition for the service it offers to victims and to their families in times of need. For this special aspect and all the trained expertise that protects our Maine folks' fowl and fish every day in so many ways, on behalf of my district and my town of Gray, I want to say thank you and thank you for your presence in our very close proximity and Happy Anniversary. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, want to congratulate the Maine Warden Service on their 130th Anniversary. It is with great pleasure that I do this. The State Police and the Warden Service have a long distinguished history together, even though they are much older than we are, and they have performed very well over the years. It was the Maine

Warden Service that I worked with most when patrolling in eastern and northern Maine. They were always there to support you. They do a great job and a great job for the citizens of the State of Maine. My congratulations to them.

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

Representative **BRIGGS**: Thank you, Madam Speaker. I rise to acknowledge the 130th Anniversary of the Maine Warden Service. Their dedication, commitment, compassion and the sacrifices as well that they contribute to the Maine Warden Service and to all the sportsmen and women of the State of Maine. I highly thank them very much for their service to the State of Maine. Thank you.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 11, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of Helen Langlais, of Cushing

(HLS 952)

TABLED - March 9, 2010 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - ADOPTION.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Helen Langlais was a dynamo. Now many of you may not be familiar with her name, but let's try this name: Blackie Langlais. That was Bernard's nickname. And for those of you, who don't recognize the name Blackie Langlais, tell me if you recognize the very large Indian that sits on the road on Route 201 when you're heading up north through Skowhegan, or if you know the alligator that sits over at the University of Maine at Augusta campus. The folk art of Blackie Langlais changed the landscape of art in the State of Maine. He was an institution and quite a character himself, a beloved character, and Helen Langlais continued his legacy fearlessly and devotedly in a fashion that, as you can tell, affects not only her community but communities all over the state. So I wanted to rise and say thank you, Helen, for all your high energy and your laugh and your gifts to the State of Maine. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-709)** on Bill "An Act To Establish the Silver Alert Program"

(H.P. 1138) (L.D. 1610)

Signed:

Senators:

GERZOFSKY of Cumberland

NUTTING of Androscoggin

DAVIS of Cumberland

Representatives:

HASKELL of Portland
HANLEY of Gardiner
LAJOIE of Lewiston
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
MAGNAN of Stockton Springs
WHEELER of Kittery

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

Signed:

Representatives:

GREELEY of Levant
SYKES of Harrison

READ.

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

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm certainly not naïve. This is an 11-2 report with myself being on the Minority Report, but I want to tell you why I don't think this is a necessary piece of legislation. First of all, the bill requires the Department of Public Safety, the Department of Transportation, the Maine Turnpike Authority, the Governor's Office, other law enforcement agencies and the Maine Broadcasters Association to develop a policy to help us rescue and find missing senior citizens. It sets it into law. We have at the Criminal Justice Academy a board of trustees. The board of trustees develops policies. They have what is described as a missing person's policy. Part A of the missing person's policy is the Amber Alert system. I am, however, expressing to the House that this really does not necessarily have to add a page to Title 25. The Criminal Justice and Public Safety Committee could simply tell the Criminal Justice Academy Board of Trustees to set in policy a missing senior citizens alert policy. It would fit nicely into the missing person's policy. It would be another section just under Amber Alert.

It also talks about, it has a fiscal note, which was one of my favorite fiscal notes. The fiscal note is, and I'll read it to you, additional costs to the Department of Public Safety associated with developing and implementing the Silver Alert Program can be absorbed within existing resources. Ladies and Gentlemen of the House, in my eight years in the Legislature I have continually asked this question and never gotten an answer. What is it that the Department of Public Safety is not going to do as a result of spending money developing a Silver Alert Program, or whatever program they say they can absorb? This is unnecessary legislation, it adds a page to Title 25, and, Madam Speaker, when the vote is taken I ask for the yeas and nays.

Representative SYKES of Harrison **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. When I was first elected to the Legislature someone said to me when you get up there, don't make laws that are not necessary, and I have taken that advice very much to heart. However, I have also learned over the years that if something is important, it's really necessary to codify it so it doesn't fall between the cracks. I believe this bill falls into that category of being so important that it should be codified.

The bill establishes a system that will facilitate a search for persons suffering from dementia who wander off. Had this system been in place, different outcomes to several tragedies that have occurred in recent years probably would have had different outcomes. These were situations where elderly people suffering from dementia had wandered off and were found dead.

There is another reason why I would urge passage of this bill. There is legislation that is moving through Congress that deals with this topic and if we have legislation in place here in Maine that deals with this topic, there is a greater likelihood that we will be able to access the federal funds that will be available. So I would hope very much that you will join me in supporting the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've basically had this same bill in a couple of years ago and I'm hearing this morning from the same people that didn't want it the same thing. So I would hope that this time around that everybody stands in back of this bill and passes it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker. Actually I do, in process, feel that Representative Sykes makes a lot of sense and in effect we really don't need a bill, but we do. It was one of the series of hearings held before our committee that was the most heart wrenching this year. The problem does exist and part of the problem is the quick deterioration of the people with Alzheimer's and other traumatic brain injuries and how they can still drive cars, they can still manage public transportation, they can still do things without even knowing that they are doing. Representative Rotundo had done a wonderful job of presenting that to the committee but every organization that spoke in favor of this brought to our attention how serious and acute the situation is at this time. Perhaps not too far down the line, we might be able to not tag people internally but maybe put on bracelets that can be removed or anklets and do something like that with a GPS tracking system, so that we could turn our local law enforcement on to the problem right away. But until that happens and until there is a way to solve the problem, this is the best solution and I would suggest and I would hope that people will vote yea. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Thank you, Madam Speaker. Has the Amber Alert system, which is simply a policy in the Board of Trustees at the Criminal Justice Academy, has the Amber Alert system ever fallen between the cracks?

The SPEAKER: The Representative from Harrison, Representative Sykes has posed a question through the Chair to anyone who may care to respond. Seeing none, a roll call has been ordered. The pending question before the House is

Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 287

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Briggs, Bryant, Burns, Cain, Campbell, Casavant, Celli, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cray, Crockett P, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Hanley, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nass, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rosen, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Browne W, Cebra, Chase, Cotta, Crafts, Crockett J, Curtis, Cushing, Fitts, Fletcher, Fossel, Gifford, Greeley, Hamper, Harvell, Johnson, Joy, Kaenrath, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Sarty, Saviello, Stevens, Sykes, Thomas, Tilton, Weaver.

ABSENT - Bolduc, Butterfield, Carey, Dill, Hayes, Pratt, Robinson, Willette.

Yes, 102; No, 41; Absent, 8; Excused, 0.

102 having voted in the affirmative and 41 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-709) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 17, 2010.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-706)** on Bill "An Act To Expand Options in the Permanency Plan for Children in Foster Care"

(H.P. 1151) (L.D. 1623)

Signed:

Senators:

HOBBS of York
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
CLEARY of Houlton
HILL of York
KRUGER of Thomaston
STEVENS of Bangor
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

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

Signed:

Senator:

BLISS of Cumberland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-706) Report.**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-706) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 17, 2010.

CONSENT CALENDAR

First Day

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

(H.P. 333) (L.D. 445) Bill "An Act To Improve Tribal-State Relations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-714)**

(H.P. 875) (L.D. 1256) Bill "An Act To Prohibit Predispute Mandatory Binding Arbitration Clauses in Consumer Contracts" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-715)**

(H.P. 999) (L.D. 1423) Bill "An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)**

(H.P. 1129) (L.D. 1591) Bill "An Act To Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-720)**

(H.P. 1249) (L.D. 1755) Resolve, To Review Sales of Dairy Products Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-716)**

(H.P. 1278) (L.D. 1790) Bill "An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-719)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 609) (L.D. 1602) Bill "An Act To Clarify the Child Abuse or Neglect Substantiation Process"

(S.P. 581) (L.D. 1503) Bill "An Act To Establish Emergency Zones on Public Ways To Minimize Accidents" (C. "A" S-398)

(S.P. 651) (L.D. 1679) Bill "An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits for 10 Years" (EMERGENCY) (C. "A" S-400)

(H.P. 899) (L.D. 1296) Bill "An Act To Strengthen the Job Creation Through Educational Opportunity Program" (C. "A" H-703)

(H.P. 1093) (L.D. 1551) Bill "An Act To Further Regulate the Communications of Members of Public Bodies" (C. "A" H-704)

(H.P. 1104) (L.D. 1567) Bill "An Act To Correct Errors and Inconsistencies in Marine Resources Laws" (C. "A" H-707)

(H.P. 1204) (L.D. 1703) Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY) (C. "A" H-708)

(H.P. 1223) (L.D. 1722) Bill "An Act To Strengthen Protection from Abuse and Protection from Harassment Laws" (C. "A" H-705)

(H.P. 1258) (L.D. 1768) Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY) (C. "A" H-710)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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. 1119) (L.D. 1581) Bill "An Act Concerning Electricity Customers Whose Bills Increase as a Result of the Implementation of Energy Conservation or Energy Efficiency Measures" (C. "A" H-700)

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

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING
House

Bill "An Act To Make Corrections to the Life Settlement Laws" (H.P. 1073) (L.D. 1523)

House as Amended

Bill "An Act To Improve Oversight of Pharmaceutical Purchasing" (H.P. 940) (L.D. 1339) (C. "A" H-693)

Bill "An Act Regarding Document Fees at County Registries of Deeds" (H.P. 1096) (L.D. 1554) (C. "A" H-669)

Bill "An Act To Protect Health Care Consumers from Catastrophic Debt" (H.P. 1148) (L.D. 1620) (C. "A" H-664)

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

ENACTORS
Emergency Measure

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (H.P. 1243) (L.D. 1749)

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. 133 voted in favor of the same and

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

Acts

An Act To Protect Confidential Consumer Records in Self-service Storage Facilities (S.P. 577) (L.D. 1499) (C. "A" S-389)

An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge (S.P. 584) (L.D. 1519) (C. "A" S-387)

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay (H.P. 1154) (L.D. 1626) (C. "A" H-648)

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

An Act To Protect Maine Citizens' Credit (S.P. 648) (L.D. 1676) (C. "A" S-392)

An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers (S.P. 655) (L.D. 1683) (C. "A" S-396)

An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund (S.P. 657) (L.D. 1724) (C. "A" S-393)

An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources (S.P. 681) (L.D. 1775) (C. "A" S-394)

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act (H.P. 1293) (L.D. 1806) (H. "A" H-686)

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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 11, 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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-625)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs"

(H.P. 557) (L.D. 821)

TABLED - February 17, 2010 (Till Later Today) by Representative PERRY of Calais.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-625)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 17, 2010.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-699)** - Committee on **TRANSPORTATION** on Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs"

(H.P. 1167) (L.D. 1639)

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

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-699)** was **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, March 17, 2010.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-717)** on Bill "An Act To Strengthen Collection of Unredeemed Beverage Container Deposits" (EMERGENCY)

(H.P. 1263) (L.D. 1774)

Signed:

Senators:

- SCHNEIDER of Penobscot
- SULLIVAN of York
- RECTOR of Knox

Representatives:

- AUSTIN of Gray
- MacDONALD of Boothbay
- HUNT of Buxton
- SMITH of Monmouth
- MARTIN of Orono
- COHEN of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-718)** on same Bill.

Signed:

Representative:

GILES of Belfast

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-717)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 17, 2010.

REPORTS OF COMMITTEE

Refer to the Committee on Insurance and Financial Services Pursuant to Public Law

Report of the **Joint Standing Committee on Insurance and Financial Services** on Bill "An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform"

(S.P. 735) (L.D. 1819)

Reporting that it be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** pursuant to Public Law 2009, chapter 350, Part A, section 3.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1259) (L.D. 1769) Bill "An Act To Extend Access to Federal Health Insurance Premium Assistance" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-722)**

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

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

(S.P. 578) (L.D. 1500) Bill "An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 627) (L.D. 1662) Bill "An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-402)**

(S.P. 631) (L.D. 1666) Bill "An Act To Improve the Seed Capital Investment Tax Credit Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-404)**

(S.P. 683) (L.D. 1776) Bill "An Act To Protect Teacher Retirement Income" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-405)**

(S.P. 698) (L.D. 1787) Bill "An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-403)**

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

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

On motion of Representative LEWIN of Eliot, the House adjourned at 11:26 a.m., until 9:00 a.m., Wednesday, March 17, 2010 in honor and lasting tribute to Bruce P. Trott, of Eliot and Helen Langlais, of Cushing.