

MAINE STATE LEGISLATURE

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

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
23rd Legislative Day
Thursday, March 18, 2010

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

Prayer by Reverend Seth D. Jones, Rockland Congregational Church.

National Anthem by Brittany Yorks, Blair Burney, John Hall and Jacob Lachance, Cony High School, Augusta.

Pledge of Allegiance.

Doctor of the day, Elisabeth Fowlie-Mock, MD, MPH, FAAFP, Holden.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 295)

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

March 18, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

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

Criminal Justice and Public Safety

L.D. 568 An Act To Amend the Sex Offender
Registration Laws (EMERGENCY)

Utilities and Energy

L.D. 1697 An Act To Protect Universal Service

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

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

The Following Communication: (S.P. 739)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 15, 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Please be advised that Governor John E. Baldacci has withdrawn the nomination of Glenn Lamarr of Fort Kent

for reappointment to the Finance Authority of Maine.

Pursuant to Title 3 M.R.S.A. §154, this nomination is currently pending before the Joint Standing Committee on Business, Research and Economic Development.

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. 740)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 16, 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 withdrawn the nomination of David W. King

for appointment to the Loring Development Authority.

Pursuant to Title 3 M.R.S.A. §154, this nomination is currently pending before the Joint Standing Committee on Business, Research and Economic Development.

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.

ORDERS

On motion of Representative LEGG of Kennebunk, the following Joint Resolution: (H.P. 1302) (Cosponsored by Senator COURTNEY of York and Representatives: ADAMS of Portland, BEAUDOIN of Biddeford, BECK of Waterville, BLANCHARD of Old Town, BLODGETT of Augusta, BRIGGS of Mexico, BRYANT of Windham, BUTTERFIELD of Bangor, CASAVANT of Biddeford, CELLI of Brewer, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, CORNELL du HOUX of Brunswick, CROCKETT of Bethel, CROCKETT of Augusta, DOSTIE of Sabattus, DRISCOLL of Westbrook, EVES of North Berwick, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, HUNT of Buxton, KNIGHT of Livermore Falls, KRUGER of Thomaston, MAGNAN of Stockton Springs, McCABE of Skowhegan, MORRISON of South Portland, PERRY of Calais, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, RANKIN of Hiram, RICHARDSON of Warren, RUSSELL of Portland, SANBORN of Gorham, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, STEVENS of Bangor, STUCKEY of

Portland, TREAT of Hallowell, TRINWARD of Waterville, WAGNER of Lyman, WHEELER of Kittery, WRIGHT of Berwick, Senators: BARTLETT of Cumberland, BOWMAN of York, RECTOR of Knox, SCHNEIDER of Penobscot, SULLIVAN of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENACT THE LYME AND TICK-BORNE DISEASE PREVENTION, EDUCATION, AND RESEARCH ACT OF 2009

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

WHEREAS, Lyme disease is a bacterial infection that is usually transmitted by a tick bite, and early signs of infection may include a rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue; and

WHEREAS, although Lyme disease can be treated with antibiotics if caught early, the disease often goes undetected because it mimics other illnesses or may be misdiagnosed and, if untreated, can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

WHEREAS, although Lyme disease accounts for 90% of all vector-borne infections in the United States, the ticks that spread the disease also spread other diseases such as ehrlichiosis, babesiosis and anaplasmosis; and

WHEREAS, the federal Centers for Disease Control and Prevention indicates that the reported cases of Lyme disease are only 10% of actual cases that meet its surveillance criteria and has reported 27,444 new cases of Lyme disease in 2007, a 38% increase from the year before; and

WHEREAS, the persistence of symptomatology in many patients without reliable testing makes treatment of patients more difficult; and

WHEREAS, the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009 has been introduced in the 111th United States Congress as H.R. 741/S. 1352; and

WHEREAS, the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009 would advance the treatment of, and cure for, Lyme disease and other tick-borne diseases by expanding federal efforts concerning prevention, education, treatment and research activities related to Lyme disease and other tick-borne diseases by providing authorization for the appropriation of \$20,000,000 for each of the federal fiscal years from 2010 to 2012 for these activities; and

WHEREAS, this legislation would also require the United States Secretary of Health and Human Services to annually report to the United States Congress on these activities and make recommendations for further research and education and would establish the Tick-Borne Diseases Advisory Committee within the Office of the Secretary, United States Department of Health and Human Services; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the President of the United States and the United States Congress enact the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009, which is currently pending in the United States Congress; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative LEGG: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a culmination of an effort to promote education, to dispense information and, particularly in this Joint Resolution, to do research on Lyme disease, which has been neglected far too long and is growing at a terribly rapid rate throughout the country, but particularly here in Maine. I want to thank the members of the York County Advocacy Group and Cumberland County Delegation, both bipartisan, for helping with this effort. It is very important. It now exists in every county in the State of Maine and is growing.

This is a Joint Resolution to request federal funding for the bill that is being presented and supported by the entire Maine Delegation to do research. And for the first time, we have a chance to really begin to diagnose this disease and treat it properly, particularly the long-term version. So I thank you for your support and those who signed on as co-sponsors and urge you to support this Joint Resolution. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative RUSSELL of Portland, the following Joint Resolution: (H.P. 1303) (Cosponsored by Representatives: ADAMS of Portland, AUSTIN of Gray, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CELLI of Brewer, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, CRAY of Palmyra, CROCKETT of Augusta, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FOSSEL of Alna, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JONES of Mount Vernon, KAENRATH of South Portland, KENT of Woolwich, KNIGHT of Livermore Falls, KRUGER of Thomaston, LANGLEY of Ellsworth, LEGG of Kennebunk, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, MILLER of Somerville, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PRATT of Eddington, PRIEST of Brunswick, RANKIN of Hiram, ROTUNDO of

Lewiston, SANBORN of Gorham, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, TARDY of Newport, THERIAULT of Madawaska, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRYANT of Oxford, DIAMOND of Cumberland, GOODALL of Sagadahoc, HOBBS of York, MILLS of Somerset, President MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, SCHNEIDER of Penobscot, SULLIVAN of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT A STRONG FEDERAL CLEAN ENERGY AND CLIMATE BILL

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, not only the State of Maine, but the United States as a whole, is now facing historic energy and climate challenges, particularly economic and environmental challenges, that are a result of our overdependence on fossil fuels; and

WHEREAS, citizens of the State of Maine are finding it increasingly difficult to heat their homes affordably, and federal action on our energy and climate is long overdue; and

WHEREAS, the Federal Government must act quickly to develop and implement a clear climate and energy policy; and

WHEREAS, Maine has the oldest housing stock in the nation, and 80% of Maine homes are heated with oil, and Maine people suffer major financial hardship during periods of price volatility; and

WHEREAS, the Central Intelligence Agency has created a center on climate change, the United States Marine Corps plans to reduce its carbon emissions by 30% by 2020 and the United States Navy is reducing its carbon pollution on homeland bases by 50% by 2020 and launching a clean energy battle group by 2016; and

WHEREAS, Maine's industrial sector is struggling with its energy costs, putting hundreds of good jobs at risk throughout the State; and

WHEREAS, having access to efficient energy, using the cheapest and cleanest form of energy and properly weatherizing buildings would create jobs and reduce energy consumption and energy costs for the vast majority of the people of Maine; and

WHEREAS, Maine has created the Efficiency Maine Trust to coordinate energy efficiency efforts across the State; and

WHEREAS, Maine is a leader in renewable power research and development, is successfully migrating from fossil fuels to nonfossil fuels and indigenous and renewable resources and has a plan in place to develop significant inland and off-shore wind farms as a means to create jobs, reduce our carbon impact and produce clean, renewable power; and

WHEREAS, Maine must become a leader in the energy sector with a workforce prepared with the skills and information necessary to attract strong, vibrant businesses; and

WHEREAS, the American Clean Energy and Security Act of 2009, which passed in the United States House of

Representatives, lays the foundation for solving America's energy and climate challenges; and

WHEREAS, this Act would increase the use of renewable energy, spur the development of a smart power grid, promote electric vehicles and require the implementation of energy efficiency measures; and

WHEREAS, the American Clean Energy and Security Act of 2009 will put Americans back to work building, delivering and installing the systems and technologies that will help us meet our energy and climate challenges; and

WHEREAS, in addition, 2 other major bills have been introduced in the United States Senate on this important subject, including the Clean Energy Jobs and American Power Act and the Carbon Limits and Energy for America's Renewal (CLEAR) Act; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress enact a strong clean energy and climate bill that:

1. Puts in place a carbon reduction standard that reduces carbon emissions by 17% below 2005 levels by 2020;

2. Dedicates revenues for energy efficiency and weatherization, giving priority to those states with the greatest need;

3. Ensures that states retain their authority to set higher standards than the Federal Government; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to thank those of you who got on board and supported the clean energy and climate resolution. One of the reasons that I ran for office originally was that I wanted to make sure that everyone could heat their home. I believe that heat should not be a luxury item and we have the oldest housing stock in the country here in Maine and we use 80 percent of our heating source through oil. So for me to get from heating my home to clean energy and climate was a long progression and I believe strongly that if we were to pass a strong federal clean energy and climate bill, we'd be able to fund the Efficiency Maine Trust far better than we are currently today. And if we can fund the Efficiency Maine Trust, it will put us in a position to be able to make certain that every Mainer has the right and the ability to afford to heat their home. So I want to thank those of you who have been kind enough to sign on board and I want to thank, of course, Representative Fitts for his work to help make this bipartisan, and we've gotten quite a bit of, don't laugh over there my friend, and we've gotten quite a bit of support for this and I just want to thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 42)

ORDERED, that Representative Stephen R. Beaudette of Biddeford be excused March 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheryl J. Briggs of Mexico be excused February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused March 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused February 23 and 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative David A. Van Wie of New Gloucester be excused February 23 and March 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused March 11 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Washington Academy Boys Basketball Team, of East Machias, who won the Class C State Championship: players Bryce Colbeth, Keith Farren, Mike Lenfestey, Jonathan Mallar, Justin Morren, Derrick Porter, Ben Teer, Noah von Rotz, Jordan Porter, Romayn Richards, Sam Stevens, Aaron Huffman, Nick Pineo, Jacob Schoppee and Tyler Varney; managers Lehann Hester, Nick Rushforth, Danny Chen and Monica Xu; coach Steven Pineo; assistant coaches Barry Terrill and Rich Fabri; and athletic director Blaine Steeves. This is the team's first Class C State Championship. We extend our congratulations to the team on this achievement;

(HLS 1001)

Presented by Representative McFADDEN of Dennysville. Cosponsored by Senator RAYE of Washington, Representative BURNS of Whiting, Representative PERRY of Calais, Representative TILTON of Harrington.

On **OBJECTION** of Representative MCFADDEN of Dennysville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. It is my pleasure to speak about the State Class C champions from Washington Academy. The Washington Academy Raiders have a very respectable basketball team, year after year, but have always fallen a little short of the State Championship. They have won a few Eastern Maine Championships, but never the State until this year. They have a new coach, but basically the same team as a year ago. Each and every player on the team will tell you the coach makes a tremendous difference. We are not saying that previous coaches were not good coaches but, this year, Coach Pineo appeared to use a little different strategy than happened in the past. The Class C Raiders played several Class

B schools and defeated all but one, and that one defeat was decided in the final seconds of the ballgame.

What made the difference this year? Most will agree it's teamwork and exceptional speed. The team that they defeated, Dirigo of Dixfield, is an excellent and exceptionally quick team but the Raiders were just a little quicker. Let's not take anything away from Dirigo as they were the best in the west. It seems like Calais and Dirigo were battling each other year after year for the state championship. Now how did WA get there? They defeated Calais for the Eastern Maine and they defeated Dirigo for the Gold Ball. They won the championship with a dazzling display of defiance and quickness and, of course, they scored more points. That was quite important. I just want to mention also, this same group of boys from Washington Academy were the State Class C Soccer champions a year ago. So I'd like to congratulate Coach Pineo and the Washington Academy Raiders for a super year and bringing the Gold Ball back to Washington Academy and Washington County. 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. It is my distinct pleasure today also to help to honor the Washington Academy Raiders who are here with us in the chamber today. After a very exciting game on February 27th with their very capable opponents, the Dirigo Cougars of Dixfield, the Raiders won the State Championship in Class C Basketball. This is the first time in the school's long and distinguished history that this goal has been achieved. Although their team, as Representative McFadden mentioned, did bring home the gold in boys soccer last year.

Washington Academy is a very old school, some 218 years, it is steeped in impressive history, and was a school that started some 200 years ago as a preparatory school for Harvard University. Since that beginning there have been a lot of accomplishments, however today, I suspect, that one of the most important accomplishments to the group of men up in our gallery is bringing home the gold ball and the championship.

I am also very pleased to say that all five of my children and I graduated from Washington Academy and I also had the distinct pleasure of serving on their board of trustees for 19 years. So you can understand why I am so proud to help to honor them today.

This is not about me; it is about a group of young athletes, their managers and their coaches that came together as a team and as a "family". They put their personal and self interests aside for the good of the team and its goals. Other Raider teams have come very close in the past, as has been mentioned, having won the Eastern Maine Championship three other times, and even to the point of losing one of the championship games in an overtime situation in 1992. But that's another story for another time.

Washington Academy has had some of the greatest ball teams that we've seen in this state over the years, earning the well renowned title of the "Running Raiders" and this year was no exception. Coach Steve Pineo told me that when the season started, they knew that they had a big challenge ahead of them. His 15 players come from many different towns. Washington Academy has students from 25 different sending units, two other states and 16 foreign countries. Some of the team has played basketball against each other since pee wee and junior high school. Sometimes that can be a problem, but not this year. This year, it all came together. The team had 10 major goals, one of which was to beat their rivals, the Calais Blue Devils, and as Representative Perry knows full well, another great school and ball team in Washington County. They were the four time

defenders of the Eastern Maine Championships. Another of those 10 goals was to "become a family" and work selflessly as a team. I believe that happened this year. When Senator Raye, Representative McFadden and myself had the privilege to attend the victory celebration back home, we listened to player after player give credit to each other and praise for their fellow team members and their coaches for their accomplishments, including coaches from other sports teams that they had participated in. One player even felt that his entire attitude had changed for the best through this past season. Remarkable I say, and that's why I believe this is much more than winning a basketball game. It's about learning priceless life skills, values and attitudes that will stay with them throughout their lives.

I would be remiss if I did not mention all the hard work, encouragement, long nights, bus rides, support and worrying that the team's managers, their coaches, the administrators and parents, especially the parents, have endured to get them here today. Their families and fans were also very supportive and faithful, following them all around the state, throughout the season. And I think most all of Washington County was down here for that tournament game and we were very happy to contribute to the economy here in Augusta. And though their coaches want no credit or recognition for their accomplishments, they have been mentors, the role models, the friends, as well as being their trainers. This is also the first year that Coach Pineo has been Washington Academy's varsity team. So you can see how this has been a special year all around for all of them.

I believe the selfless attitudes that was shared by the ball club is one of the most important elements that helps a hardworking, talented, ball team like the WA Raiders become true winners. We are all extremely proud of the team and all of those that have worked so hard to support them. Congratulations, Washington Academy Raiders. Thank you, Ladies and Gentlemen.

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 to congratulate Washington Academy for their wonderful, excellent basketball championship. They have done an excellent job. Unfortunate for me, I represent the losing side of it, the Dirigo Cougars. But I know both teams did an excellent job, they did a fine job in the tournament as a whole, and, again, congratulations to Washington Academy. Thank you, Madam Speaker.

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

Recognizing:

Laurianne Murphy, of Lewiston, who has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award. The prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. Laurianne, an 8th-grade student at Lewiston Middle School, spent most of her free time last summer helping to take care of babies and toddlers in the childcare center of her local YMCA after she completed a YMCA babysitting course and became certified as a babysitter. We extend our congratulations to Laurianne on her receiving this honor, we commend her for her selfless work and community spirit and we extend our best wishes to her for her continued success;

(HLS 1002)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. I know I speak for the entire Lewiston Delegation when I say how very proud we are of Laurianne's national recognition for her exemplary service to others. We thank her for the many ways in which she has already enriched our community and celebrate the fact that she is going to change the world in very important ways in her lifetime. We wish Laurianne the very best when she goes to Washington, DC in May to receive the prestigious Prudential Spirit of Community Award. Our state could not have a finer representative. Thank you.

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

In Memory of:

the Honorable Norman Kenneth Ferguson, Jr., of Hanover, our esteemed colleague and friend, who served many years in local, county and state government. Senator Ferguson was a member of the Maine State Legislature during the 117th through 120th legislative sessions. He spent many hours on the slopes of Black Mountain and assisted with officiating numerous Nordic ski racing events. He was also active in St. Andrew's Society activities and enjoyed attending highland games. Senator Ferguson was known for his honesty, trustworthiness and professionalism and for being a hard worker. We acknowledge his dedicated and exemplary service to the people of his community and to the State of Maine. He will be greatly missed by his beloved wife, Barbara, his 4 children and his loving family, colleagues and many friends;

(HLS 1009)

Presented by Representative CROCKETT of Bethel.

Cosponsored by Representative ADAMS of Portland, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BECK of Waterville, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLANCHARD of Old Town, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Whiting, Representative BUTTERFIELD of Bangor, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLEARY of Houlton, Representative COHEN of Portland, Representative CONNOR of Kennebunk, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Augusta, Representative CURTIS of Madison,

Representative CUSHING of Hampden, Representative DAVIS of Sangerville, Representative DILL of Cape Elizabeth, Representative DOSTIE of Sabattus, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EVES of North Berwick, Representative FINCH of Fairfield, Representative FITTS of Pittsfield, Representative FLAHERTY of Scarborough, Representative FLEMINGS of Bar Harbor, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILES of Belfast, Representative GOODE of Bangor, Representative GREELEY of Levant, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARVELL of Farmington, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative WALSH INNES of Yarmouth, Representative JOHNSON of Greenville, Representative JONES of Mount Vernon, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative LAJOIE of Lewiston, Representative LANGLEY of Ellsworth, Representative LEGG of Kennebunk, Representative LEWIN of Eliot, Representative LOVEJOY of Portland, Representative MacDONALD of Boothbay, Representative MAGNAN of Stockton Springs, Representative MARTIN of Orono, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MITCHELL of the Penobscot Nation, Representative MORRISON of South Portland, Representative NASS of Acton, Representative NELSON of Falmouth, Representative NUTTING of Oakland, Representative O'BRIEN of Lincolnville, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PETERSON of Rumford, Representative PIEH of Bremen, Representative PILON of Saco, Speaker PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SARTY of Denmark, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SHAW of Standish, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska,

Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TILTON of Harrington, Representative TREAT of Hallowell, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAN WIE of New Gloucester, Representative WAGNER of Lyman, Representative WAGNER of Lewiston, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WHEELER of Kittery, Representative WILLETTE of Presque Isle, Representative WRIGHT of Berwick, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Senator BLISS of Cumberland, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DAMON of Hancock, Senator DAVIS of Cumberland, Senator DIAMOND of Cumberland, Senator GERZOFKY of Cumberland, Senator GOODALL of Sagadahoc, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator MARRACHÉ of Kennebec, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, President MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SIMPSON of Androscoggin, Senator SMITH of Piscataquis, Senator SULLIVAN of York, Senator TRAHAN of Lincoln, Senator WESTON of Waldo.

On **OBJECTION** of Representative CROCKETT of Bethel, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Last month, Oxford County lost its senior statesman, Norm Ferguson, who served 26 years as the county commissioner and eight years as a state senator, and gave countless hours during his more than 30 years of public service assisting not just constituents but his people. Throughout this time, he demonstrated an ability to develop a reasonable solution to almost any problem.

I can't help but think of my own experience with Norm which goes back 20 years. I was 12 years old and I had an interest in politics. Now bear in mind I come from a family of loggers, farmers and mill workers on one side and a first generation American on the other, so there was no political gain for Norm to take any interest in me. Yet Norm still took the time, despite all of his obligations, to talk issues, policies and campaigns with a kid. Not many people of this stature do the same.

His kindness continued even after he left office. Norm could be counted on for counsel and advice on crucial issues. Yet for all of his impact on our county and state, his achievements as a public servant are surpassed by that of a family man. He was married for 50 years to his lovely wife, Barbara, and was a father of four sons who went on to great achievement in their own right. Norm was indeed a special man who led a life worthy of emulation.

As a boy, I often heard him say a politician must stand up to be recognized, speak up to be heard and sit down to be appreciated. So with this in mind, I'll sit down in remembrance of Norm's legacy.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Madam Speaker. I would simply echo the remarks of my seatmate here. When I came to the other body in 1998, Norm Ferguson was one of the first people that I met. The sentiment speaks to his honesty and his trustworthiness and I can't say more than that. He did have courage.

In regards to the St. Andrew's Society, he and the good Senator from Bangor, Senator Sawyer, wore kilts to session one day and that made things very interesting.

I visited with him last, last summer, and in his typical courage he looked in my face and he said, "Paul, I'm dying of cancer." And he knew it, but he faced it bravely and I would just extend, again, my sympathies to his family and ask that we close our session today in honor of him. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think that I would just make this a little bit of a bipartisan appreciation. I served with Senator Ferguson in the other body for many years, and I just want to relate something. We actually shared a bond over the fact that our favorite place in the entire world was Cape Breton Island, where his family came from and where my family has a summer place where I try to spend as much time as possible. So he was a wonderful person and he was a great colleague to work with and I just wanted to extend my comments on that as well.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I knew Norm for about 20 years and it was a very sad moment when I heard of his passing. We served together when I had been a former chair of the Legal and Veterans Affairs Committee and we always seemed to work very good together as Republicans and Democrats. As somebody said, he was a member of the St. Andrew's Society and wore kilts and I would jokingly say "Norm, what's under the kilt?" He'd say "John, you really don't want to know." But Norm had a pretty good sense of humor.

Senator Ferguson, as it says in his sentiment, was known for his honesty, trustworthiness and professionalism, and for being a hard worker. We acknowledge his dedicated and exemplary service to the people of his community and the State of Maine. So Norm, rest in peace my friend.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-732)** on Bill "An Act To Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant"

(H.P. 1112) (L.D. 1574)

Signed:

Senators:

BLISS of Cumberland
HOBBINS of York
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick
BRYANT of Windham
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:

Representative:

DILL of Cape Elizabeth

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-732)** Report.

READ.

On motion of Representative PRIEST of Brunswick, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Establish a Duty To Report Serious Injuries"

(H.P. 1235) (L.D. 1738)

Signed:

Senators:

BLISS of Cumberland
HOBBINS of York
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
KRUGER of Thomaston
STEVENS of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)** on same Bill.

Signed:

Representatives:

CLEARY of Houlton
HILL of York
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)**

on Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"

(H.P. 1094) (L.D. 1552)

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

CLARK of Millinocket
BLODGETT of Augusta
TUTTLE of Sanford
BUTTERFIELD of Bangor
BICKFORD of Auburn
GILBERT of Jay
DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden

READ.

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

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

Nine Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-725)** on Bill "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment" (EMERGENCY)

(H.P. 1089) (L.D. 1547)

Signed:

Senators:

NUTTING of Androscoggin
BRYANT of Oxford

Representatives:

PIEH of Bremen
KENT of Woolwich
CRAY of Palmyra
EDGECOMB of Caribou
McCABE of Skowhegan
GIFFORD of Lincoln
SMITH of Monmouth

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-726)** on same Bill.

Signed:

Representatives:

O'BRIEN of Lincolnville
PERCY of Phippsburg

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-727)** on same Bill.

Signed:

Representative:

PRATT of Eddington

READ.

Representative PIEH of Bremen moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** Report "A" **Ought to Pass as Amended** 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:

(H.P. 1189) (L.D. 1688) Bill "An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-744)**

(H.P. 1277) (L.D. 1789) Bill "An Act Containing the Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-742)**

(H.P. 1284) (L.D. 1796) Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)**

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. 718) (L.D. 1809) Bill "An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry" (EMERGENCY)

(S.P. 733) (L.D. 1818) Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

(S.P. 647) (L.D. 1675) Bill "An Act To Reduce Noise Caused by Motorcycles and Improve Public Health" (C. "A" S-415)

(S.P. 674) (L.D. 1760) Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol (C. "A" S-410)

(S.P. 676) (L.D. 1762) Bill "An Act To Provide Incentives for Energy Conservation through Voltage Regulation" (C. "A" S-416)

(S.P. 690) (L.D. 1783) Bill "An Act To Amend the Charter of the Kennebec Water District" (C. "A" S-413)

(H.P. 1283) (L.D. 1795) Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 1105) (L.D. 1568) Bill "An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers" (C. "A" H-731)

(H.P. 1197) (L.D. 1696) Bill "An Act To Strengthen the Community-based Renewable Energy Pilot Program" (C. "A" H-730)

(H.P. 1276) (L.D. 1788) Bill "An Act To Clarify Exemptions in the Milk Handling Fee" (EMERGENCY) (C. "A" H-737)

(H.P. 1279) (L.D. 1791) Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings" (C. "A" H-734)

(H.P. 1288) (L.D. 1802) Bill "An Act To Exempt Personal Constituent Information from the Freedom of Access Laws" (C. "A" H-735)

(H.P. 1291) (L.D. 1803) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife (C. "A" H-723)

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** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 1090) (L.D. 1548) Bill "An Act To Prevent the Spread of Invasive Plants and Protect Maine's Lakes" (C. "A" H-724)

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.

(H.P. 1205) (L.D. 1704) Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs" (C. "A" H-736)

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 Prohibit Surcharges on the Use of Debit Cards"

(H.P. 1266) (L.D. 1779)

House as Amended

Bill "An Act Concerning Electricity Customers Whose Bills Increase as a Result of the Implementation of Energy Conservation or Energy Efficiency Measures"

(H.P. 1119) (L.D. 1581)

(H. "A" H-739 to C. "A" H-700)

Bill "An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention"

(H.P. 1130) (L.D. 1592)

(C. "A" H-721)

Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1255) (L.D. 1765)

(C. "A" H-728)

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

An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors

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

(H. "A" H-701 to C. "A" S-377)

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 and sent to the Senate.

Emergency Measure

An Act To Create a Smart Grid Policy in the State

(H.P. 1079) (L.D. 1535)

(C. "A" H-695)

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**: 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. 292

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Adams, Butterfield, Celli, Clark T, Fletcher, Greeley, Lajoie, Martin JL, Nelson, Rosen, Sanborn, Tardy, Thomas, Wagner J.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify the Informed Growth Act

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

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. 123 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Animal Welfare Laws

(H.P. 1125) (L.D. 1587)
(C. "A" H-684)

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

Emergency Measure

An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities

(H.P. 1173) (L.D. 1645)
(C. "A" H-698)

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

Emergency Measure

An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits

(S.P. 651) (L.D. 1679)
(C. "A" S-400)

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

Emergency Measure

An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs

(H.P. 1233) (L.D. 1735)
(C. "A" H-691)

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: 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. 293

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, 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, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Adams, Butterfield, Celli, Clark T, Fletcher, Lajoie, Nelson, Rosen, Sanborn, Tardy, Wagner J.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities

(H.P. 1196) (L.D. 1695)
(C. "A" H-680)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1225) (L.D. 1726)
(C. "A" H-683)

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. 126 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.

Emergency Measure

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
(H.P. 1226) (L.D. 1727)
(C. "A" H-696)

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. 131 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.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections
(H.P. 1256) (L.D. 1766)

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 and sent to the Senate.

Emergency Measure

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
(H.P. 1257) (L.D. 1767)

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

Acts

An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property
(H.P. 575) (L.D. 839)

An Act To Stimulate the Economy by Expanding Opportunities for Direct Support Aides
(H.P. 954) (L.D. 1364)
(C. "A" H-674)

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

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

An Act To Clarify the Child Abuse or Neglect Substantiation Process

(S.P. 609) (L.D. 1602)
An Act Regarding Biofuel in Number 2 Heating Oil
(H.P. 1160) (L.D. 1632)
(C. "A" H-690)

An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws
(H.P. 1211) (L.D. 1710)
(C. "A" H-682)

An Act To Include All Children in the Conditions of Education Report
(H.P. 1261) (L.D. 1771)

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 Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures
(H.P. 1116) (L.D. 1578)
(C. "A" H-697)

Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute
(H.P. 1254) (L.D. 1763)
(C. "A" H-694)

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 yesterday, 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 Not to Pass** - Minority (6) **Ought to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions

(H.P. 1057) (L.D. 1508)
- In House, Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** on February 18, 2010.

- In Senate, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - March 11, 2010 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - FURTHER CONSIDERATION.

Representative CLARK of Millinocket moved that the House **RECEDE AND CONCUR**.

Representative DUCHESNE of Hudson moved that the House **RECEDE**.

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 hope we don't Recede and go with the pending motion that was offered earlier. Like I indicated last time, this is a gated pond. You have to pay to get into it. You have to make a phone call to get into it. There is no parking on the outside of the gate. The department

said they can do this now through rulemaking. I think it's a waste of time in this body, a waste of time in the other body to receive this, particularly when we're asking our sportsmen of Maine to funnel and fund and stock a private compound. This is what it is, a private compound behind a gate. I don't think a lot of us like gates. I know I don't particularly like gates and particularly I have to pay to go down there to fish and make a phone call before I can open the gate to go down. So I hope when you vote today, you vote against the pending motion by my good, good friend, Representative Duchesne, and move on with the bill so we can deal with it, because I was told by the department they can deal with it. What really surprised me is I had a communication from a good state senator from the State of New Jersey who has a camp there, who wants now to have private access for the out of staters. Now you're asking sportsmen to funnel and fund stocking for out of staters? Well, I can tell you right now, when I go fishing, out of staters go fishing but there is no gate, there is no fee and we're all paying the same price. Thank you very much, Madam Speaker.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **RECEDE**.

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 Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. The purpose obviously for the Recede motion is to put this in the posture for debate, a very quick debate, I hope, on the merits. I hope the body will allow us to go forward with that. A brief discussion on what this bill is actually about, it isn't quite as was described by my good chair. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Recede. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 294

YEA - Adams, Beaudette, Beaudoin, Berry, Boland, Bolduc, Carey, Cleary, Cohen, Connor, Cray, Davis, Dill, Duchesne, Eberle, Eves, Flaherty, Flemings, Flood, Gifford, Hanley, Haskell, Hill, Hinck, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Knapp, Kruger, Legg, MacDonald, Martin JR, Miller, Morrison, Nutting, O'Brien, Perry, Pieh, Pilon, Pratt, Priest, Rankin, Richardson D, Robinson, Rotundo, Saviello, Shaw, Smith, Stevens, Stuckey, Thibodeau, Treat, Van Wie, Wagner R, Watson, Willette, Wright.

NAY - Austin, Ayotte, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Cornell du Houx, Cotta, Crafts, Crockett J, Crockett P, Curtis, Cushing, Dostie, Driscoll, Eaton, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gilbert, Giles, Goode, Greeley, Hamper, Harlow, Harvell, Hogan, Joy, Kent, Knight, Langley, Lewin, Lovejoy, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Nass, Pendleton, Peoples, Percy, Peterson, Pinkham, Piotti, Plummer, Prescott, Richardson W, Russell, Sarty, Schatz, Sirois, Strang Burgess, Sutherland, Sykes, Theriault, Thomas, Tilton, Trinward, Tuttle, Valentino, Weaver, Webster, Welsh, Wheeler, Madam Speaker.

ABSENT - Butterfield, Clark T, Hayes, Lajoie, Nelson, Rosen, Sanborn, Tardy, Wagner J.

Yes, 59; No, 83; Absent, 9; Excused, 0.

59 having voted in the affirmative and 83 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE FAILED**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

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

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

TABLED - March 17, 2010 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-719)** was **READ** by the Clerk and **ADOPTED**.

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

Representative **TRINWARD** of Waterville **PRESENTED House Amendment "A" (H-743)** which was **READ** by the Clerk.

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

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just wish to speak to everyone so that they know this is a technical amendment to fix two conflicting places in the law. Thank you.

Subsequently, **House Amendment "A" (H-743)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-719)** and **House Amendment "A" (H-743)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

The following Joint Order: (S.P. 741)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 22, 2010. The House will convene at 9:00 and the Senate at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli, who wishes to address the House on the record.

Representative **CELLI**: Yes, Madam Speaker, Ladies and Gentlemen of the House. On the record, I wish to record my votes for Enactors 10-2 as being a yea and 10-7 as being a yea.

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

On motion of Representative **CROCKETT** of Bethel, the House adjourned at 11:52 a.m., until 9:00 a.m., Monday, March 22, 2010 pursuant to the Joint Order (S.P. 741) and in honor and lasting tribute to Carlton G. Brandt, of Columbia, South Carolina, Brian J. Rowe, of Moxie Gore Township, Phillip Edward Allen, of Standish and the Honorable Norman Kenneth Ferguson, Jr., of Hanover.