

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
46th Legislative Day
Tuesday, May 29, 2007

The House met according to adjournment and was called to order by the Clerk, pursuant to House Rule 301.8.

Prayer by Right Reverend Douglas Wright, American Orthodox Community of Whitefield.

National Anthem by John Grover, Corinna.

Pledge of Allegiance.

The Journal of Thursday, May 24, 2007 was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 315)

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

May 29, 2007

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 have appointed Representative Joshua A. Tardy of Newport to serve as Speaker Pro Tem to convene the House on Tuesday, May 29, 2007.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: (H.C. 303)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

May 23, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1161 An Act To Make Certain Changes to the Board of Licensure in Medicine

L.D. 1681 An Act To Preserve and Grow Maine Jobs

L.D. 1701 Resolve, To Review the Disciplinary Process of the Board of Licensure in Medicine

L.D. 1863 An Act To Allow Pressure Boiler Inspections by National Board-certified Inspectors (EMERGENCY)

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 304)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 22, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1323 Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities

L.D. 1706 Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Stanley J. Gerzofsky

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 305)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 24, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 32 An Act To Create a Regional Jail System BY REQUEST

L.D. 378 An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison

- L.D. 577 An Act Concerning the Transport of Inmates in the Custody of the Sheriff
L.D. 613 An Act To Protect Children from Sexual Predators
L.D. 1228 An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities
L.D. 1533 An Act Regarding the Violation of Bail
L.D. 1826 An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 306)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1886 An Act To Assess Childhood Obesity Trends in Maine

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Peter B. Bowman
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 307)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 996 An Act To Support Medical Practice Protocols in Patient Care
L.D. 1288 An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization
L.D. 1764 An Act To Increase the Wages of Direct Support Professional Staff Based on Increases in the State Minimum Wage
L.D. 1774 An Act To Provide Greater Information Pertaining to the Health of Maine Children

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Joseph C. Brannigan
Senate Chair
S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 308)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 616 An Act To Allow the Transfer of an Antlerless Deer Permit to a Child with a Disability

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 309)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 809 An Act To Amend the Adverse Possession Law

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 310)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

May 24, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 223 An Act To Amend the Maine Tort Claims Act
L.D. 708 An Act To Amend the Laws Concerning the Emancipation of Minors BY REQUEST
L.D. 714 An Act To Promote Efficiency in the District Court
L.D. 1734 An Act To Provide Adult Adoptees Access to Information

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 311)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

May 24, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 286 An Act To Protect Veterinarians Providing Animal Welfare Services for the State
L.D. 1029 An Act To Create the Maine Spyware Prevention Act
L.D. 1453 Resolve, Regarding the Privacy of Social Security Numbers
L.D. 1576 An Act To Establish the Leaseholders' Bill of Rights

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 312)

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

May 17, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 5 An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System
L.D. 155 An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits
L.D. 457 An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees
L.D. 1310 An Act To Make Unemployment Compensation Law More Fair to Seniors
L.D. 1407 Resolve, To Address Issues Concerning the Employment of Senior Citizens
L.D. 1438 An Act To Reverse the Effects of the Grant Case on Workers' Compensation BY REQUEST
L.D. 1493 An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 313)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1580 An Act To Allow Tree Growth Land Transfer to Family Members

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 314)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 23, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1164 An Act To Sustain Island Communities

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 336)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

May 24, 2007

Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Sidney T. Bradley of Easton for appointment to the Maine State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Mary-Anne Martell of Portland for appointment to the Maine State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of George W. McHale

of Orrington for reappointment to the Maine State Harness Racing Commission.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of Michael P. Friedman of Bangor for reappointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Committee on Legal and Veterans Affairs, the nomination of David C. Shiah of Bowdoinham for appointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Committee on Natural Resources, the nomination of Susan M. Lessard of Hampden for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of Matthew Scott of Belgrade for reappointment to the Board of Environmental Protection.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 337)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

May 24, 2007

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Establish the Missing Senior Citizen Alert Program" (H.P. 587) (L.D. 769).

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 338)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

May 24, 2007

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted Report "C" Ought Not to Pass from the Committee on Education and Cultural Affairs on Bi. "An Act To Address the Evaluations of Certain School Employees" (H.P. 237) (L.D. 293).

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

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative PINGREE of North Haven, the following Joint Resolution: (H.P. 1348) (Cosponsored by Senator BARTLETT of Cumberland and Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, BLISS of South Portland, FITTS of Pittsfield, FLETCHER of Winslow, PERRY of Calais, RINES of Wiscasset, Senator: MILLS of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO FOREGO IMPOSING A CAP ON FEDERAL UNIVERSAL SERVICE FUND SUPPORT FOR MAINE'S RURAL WIRELESS CARRIERS

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

WHEREAS, the federal Telecommunications Act of 1996 through the establishment of the Federal Universal Service Fund was intended to promote the availability of quality services at just, reasonable and affordable prices, increased access to advanced telecommunications services throughout the Nation and the availability of quality services to all consumers, including those in low-income, rural, insular and high-cost areas, at rates that are reasonably comparable to those charged in urban areas; and

WHEREAS, the intended goals of that legislation have not been met in the State of Maine, and many of Maine's communities have no wireless services or inadequate wireless service; and

WHEREAS, the failure to achieve the goals of improved and high-quality services has, and will continue to have, a direct and substantial negative impact on the health and safety of the people living and working in Maine's rural areas; and

WHEREAS, the failure to achieve this goal of high-quality wireless services at just, reasonable and affordable rates to everyone is a very significant barrier to the economic development of much of rural Maine; and

WHEREAS, there are 2 rural wireless carriers in Maine that have successfully sought certification as eligible telecommunications carriers and have used the federal universal service funding they have received to construct significant additional wireless infrastructure in rural Maine; and

WHEREAS, the Maine Public Utilities Commission has certified that these Maine rural wireless carriers have used the funds received from the federal universal service fund in a manner consistent with all laws and regulations governing the funds; and

WHEREAS, the Federal-State Joint Board on Universal Service has recommended that the Federal Communications Commission impose a cap on funding for competitive eligible telecommunications carriers; and

WHEREAS, this recommended cap would limit Federal Universal Service Fund support for Maine's rural wireless carriers currently receiving these funds; and

WHEREAS, the proposed cap on funding would serve to undercut the purpose and objective of the federal Telecommunications Act of 1996 by impairing the ability of Maine's wireless eligible telecommunications carriers to expand

infrastructure into rural Maine so that rural and urban wireless service is equal, as promised by that act; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the Federal Communications Commission reject the cap proposed by the Federal-State Joint Board on Universal Service; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress take action to repeal the cap if it is adopted by the Federal Communications Commission; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Kevin J. Martin, Chairman of the Federal Communications Commission, 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 PRO TEM: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to briefly call your attention to the Joint Resolution that I am presenting today. For any of you who live in rural areas, I think that most of you probably understand that our high-quality, rural cell phone access, is still not what it should be. Almost anywhere in my district, whether I am driving here to Augusta, or if I am driving to Blue Hill, or Mount Desert Island, I think that my cell phone works about one-fifth of the time. I know that some of you in this hall can sympathize with me.

The Federal Government, through the FCC, is considering capping the Federal Universal Service Fund, which provided federal funds to Unicef and U.S. Cellular, who are the two carriers that provide service in rural areas. This Resolution is meant to send a message to our Federal Delegation and the FCC, who we hope will be working on our behalf, to oppose this effort to cap the Universal Service Fund. There is a feeling down in Washington that the country already has rural cell phone access. I know that most of us understand that that is not yet a reality in Maine, and this cap cannot go into place until a state like Maine, a highly rural state, is covered.

So, I know that many of us have heard about the Chief Executive's effort, Can You Hear Me Now, that he spoke about in his state address a couple of years ago. I think that this Resolution is an important message we send down to Washington, to say that we still cannot hear each other in many parts of our state, and for our economy and for our emergency capacity, it is important that this cap not go into place. Thank you, Mr. Speaker.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the 60th Anniversary Session of Dirigo Boys State, on June 17 to June 21, 2007. The American Legion, Department of Maine teaches youth to understand and appreciate the basic principles involved in the successful management of a democratic society by training our young people in the ideals and objectives of American government. Dirigo Boys State is a unique educational program that focuses on participation and

personal experience in a model to mirror the structure and operation of the State of Maine. We welcome the young Maine students to the State House and we join the Dirigo Boys State directors in wishing them great success;

(HLS 477)

Presented by Representative HARLOW of Portland.

Cosponsored by Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BERRY of Bowdoinham, Representative BERUBE of Lisbon, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOLAND of Sanford, Representative BRAUTIGAM of Falmouth, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARTER of Bethel, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLEARY of Houlton, Representative CONNOR of Kennebunk, Representative CONOVER of Oakland, Representative COTTA of China, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, Representative CURTIS of Madison, Representative DILL of Cape Elizabeth, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FINLEY of Skowhegan, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative GERZOFKY of Brunswick, Representative GIFFORD of Lincoln, Representative GILES of Belfast, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KNIGHT of Livermore Falls, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative McDONOUGH of Scarborough, Representative McFADDEN of Dennysville, Representative MCKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT

of Waterford, Representative MILLS of Farmington, Representative MIRAMANT of Camden, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PIEH of Bremen, Representative PILON of Saco, Representative PINEAU of Jay, Representative 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 RAND of Portland, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, 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 TIBBETTS of Columbia, Representative TREAT of Farmingdale, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER of Lewiston, Representative WALCOTT of Lewiston, Representative WALKER of Lincolnville, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WEDDELL of Frankfort, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator BARTLETT of Cumberland, Senator BENOIT of Sagadahoc, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, President EDMONDS of Cumberland, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SMITH of Piscataquis, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WESTON of Waldo.

On **OBJECTION** of Representative HARLOW of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The American

Legion has a service of 500 students in government that they have each year. It is a tremendous asset to the State of Maine and all states in the United States, but it has been for 60 years in Maine.

The last leader of this that I remember was Paul Murphy, who hired me in 1988. Now, leading the Boys State will be our own Commissioner of Inland Fisheries and Wildlife, Paul Jacques. Commissioner Jacques is very dedicated, he has been a majority leader in the House, and his Assistant is Shawn Babine, who has been at Boys States since he went to Boys State, which must be 20 or 30 years. I spent 15 years there of real enlightenment and real fun, meeting some wonderful kids in the State of Maine. I would also just right now like to take this opportunity to stop and thank the American Legion for all that they have done for these kids. It has been a great asset, and probably many of the people here attended Boys State, some of you are too old. Thank you.

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

Recognizing:

Dr. William McFarlane, of Portland, for his work in implementing and developing a program for early identification and intervention for people with serious mental illnesses. Since 2000, his Portland Identification and Early Intervention Program has worked with 130 young people in Cumberland County. The Robert Wood Johnson Foundation has awarded a \$12.4 million, 4-year grant to the program to replicate it in Sacramento, California; Ypsilanti, Michigan; and Salem, Oregon. We extend our congratulations to Dr. McFarlane on his program receiving this important grant and we send him our appreciation for his successful work in helping people with mental illness;

(HLS 478)

Presented by Representative HINCK of Portland.

Cosponsored by Senator STRIMLING of Cumberland, Senator BRANNIGAN of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Speaker CUMMINGS of Portland, Representative HARLOW of Portland, Representative HASKELL of Portland, Representative ADAMS of Portland, Representative RAND of Portland.

On **OBJECTION** of Representative HINCK of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my honor to recognize, here today, Dr. William McFarlane. Dr. McFarlane heads the Portland Identification and Early Intervention Program, also known as PIER.

This groundbreaking program, which began December 1, 2000, conducts early intervention to identify and treat childhood mental illnesses such as schizophrenia and bipolar disorder. As much as 3 percent of the population is at risk for psychosis. This is more common than early onset of diabetes. PIER identifies these individuals. It educates the provider, community, and school professionals to help in this program. Early intervention, just like with diabetes, can work to help avoid the problems that we would eventually see with these kinds of mental illnesses.

It has been successful, remarkably so, recently recognized by the Robert Wood Johnson Foundation and provided with additional funding. We are very thankful for everything that is done in this program, to help the Portland area and Maine in general. We are very pleased and honored to have this kind of program conducted, and thank Dr. McFarlane and his associates

for all the good that they do for the State of Maine. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would also like to offer my congratulations and my thanks to Dr. McFarlane and the PIER program. The work that they do with our young people in helping identify and treat early onset of mental illness has been a gift to the children, to the youth that have been in the program, the adolescents, to their families, and to society in general. I encourage you to support the PIER program. We had a bill that was passed unanimously out of Health and Human Services Committee to support further expansion of the PIER program. They are a gift to the State of Maine, and I thank you for helping me support them.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise to thank Dr. McFarlane for his work, and I speak from my hat, being a health philanthropy official. I want you to understand what the PIER program has done in Portland is a big deal. They have established a program that prevents schizophrenia in children and they are taking it national, we are putting Maine on the map, the biggest health philanthropy in the country is funding this. It is very exciting, and it has captured the interest of the Health and Human Services Committee, we hope to see more replication in Maine, and are looking for ways to do that with out state funds. Thank you, Dr. McFarlane—many more years of work for us, please. Thank you.

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

Recognizing:

Angelo Sotiropoulos, of Gorham, who was named Business Person of the Year by the Gorham Business & Civic Exchange. Mr. Sotiropoulos is the owner of the Gorham House of Pizza. Mr. Sotiropoulos was chosen for his community involvement and leadership, promotion of local businesses and creativity in business. He is a member of the historical society, supports the DARE and Project Graduation programs and donates to exchange events. We extend our congratulations to Mr. Sotiropoulos on his receiving this recognition;

(HLS 479)

Presented by Representative BARSTOW of Gorham.

Cosponsored by Senator BARTLETT of Cumberland, Representative FARRINGTON of Gorham.

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

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased today, to give recognition on the House floor to who I consider to be the unofficial Mayor of Gorham. Angelo Sotiropoulos has been an institution in our community with his restaurant, Gorham House of Pizza, not only because of the good product, the good food, and the atmosphere that he has in the restaurant, but also because of the good work he does in the community for many different organizations. The same way that you have a restaurant, like a Moody's in Waldoboro, or Pizza by Alex in

Biddeford, Gorham House of Pizza is that type of institution to us in Gorham.

As was said in the sentiment, he helped out with projects such as the DARE program, and he also helped out with Project Graduation. One person, I know for myself and my colleague, Representative Farrington, who is not here right now that I can speak of, is the fact that we had, two winters ago, a fundraising dinner for heating oil assistance, Keep Maine Warm. We went around to the area businesses in Gorham; they are generous in many ways. When we went in and said to Angelo that we wanted to do a spaghetti dinner in our community to help fundraise for these families and individuals in need, we said, "Is there anyway we can get a whole sale price, or discounted price on the pasta, the bread, and the salad, to try to get the majority of meal taken care of?" He donated it all for free; it was about \$1,000 value. It made it so that the majority of the proceeds that we raised for the Keep Maine Warm dinner went straight back into Gorham communities, and the needy families that needed that heating oil assistance.

As much as we try and I have said this before, try to pass policies and laws that help the people and families of the State of Maine, a lot of it just comes down to grassroots involvement and leadership in the community of those, whether they have businesses or live in a community. I would like to take this opportunity to publicly thank Angelo Sotiropoulos, for all that he has done for the Town of Gorham and the region at large. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative HASKELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a former Representative from Gorham, I would be remiss if I did not stand up and add my congratulations to Angelo, who has been a fixture in the community, the kind of person who exemplifies community service: You never once walk through the door without getting a smile and a "How are you today?" That is the kind of stuff that we need more of, so congratulations, Angelo.

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 yesterday, 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 Recognizing Major Kenneth Bryant, of Phillips, who was recently awarded the Bronze Star for exceptional service during his deployment in Afghanistan

(HLS 458)

TABLED - May 23, 2007 (Till Later Today) by Representative TARDY of Newport.

PENDING - **PASSAGE**.

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

Representative SAVIELLO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today we have with us a real hero: Major Kenneth Bryant of Phillips. He was deployed in Operation Enduring Freedom in Afghanistan and was awarded the Bronze Star. Let me tell you a little bit about a Bronze Star. The Bronze Star Medal is the United States Armed Forces Honorary Military Honor for heroic and meritorious

achievement of service, in connection with operations against opposing Armed Forces.

Major Bryant served for more than 25 missions in Afghanistan. The Bronze Star narrative, read by General Libby, cited Bryant for several acts of bravery under fire: On April 27, 2006, according to the narrative, Bryant provided suppressive fire from his vehicle machine gun, covering a squad under attack from enemy small-armed fire. On May 4, 2006, Bryant's four-vehicle convoy was ambushed. Under his leadership, the attack was repelled and the convoy completed its mission.

While serving in Afghanistan, Bryant was also present for eight rocket attacks against his base. The Bronze Star cited Major Bryant for consistently working with leadership to develop, sustain, and proof company training in the combat region. The narrative concluded that Major Bryant's overall performance has extremely positive impact to the role of the United States Army in Afghanistan. When asked himself, Major Bryant gave this quote, he "has always taken to heart John Kennedy's message: Ask not what your country can do for you, but what you can do for your country." Major Bryant has served his country, his state, and his town well. Thank you, Mr. Speaker.

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State"

(S.P. 159) (L.D. 472)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY SENATE AMENDMENT "B" (S-137)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE. COMMITTEE AMENDMENT "A" (S-116) READ** by the Clerk. **SENATE AMENDMENT "B" (S-137) TO COMMITTEE AMENDMENT "A" (S-116) READ** by the Clerk and **ADOPTED. COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY SENATE AMENDMENT "B" (S-137) thereto ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 30, 2007.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods"

(H.P. 723) (L.D. 963)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro
FISHER of Brewer

MAZUREK of Rockland
 HOGAN of Old Orchard Beach
 THOMAS of Ripley
 CEBRA of Naples
 ROSEN of Bucksport
 THERIAULT of Madawaska
 PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on same Bill.

Signed:
 Representative:
 MARLEY of Portland

READ.

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Mazurek did get it right the first time. Anyway, I rise this morning to ask the House members to support this bill. There has been an awful lot of discussion about it. It is a people's bill; it is a bill that protects people's homes. There has been some discussion about this should be before the Insurance Committee, but what happens is when these huge pieces of equipment are being used in residential neighborhoods, they damage our properties. This has occurred in Scarborough. It has occurred in Kennebunk, where foundations have been cracked, in the ground pools that the walls have cracked.

People have spent thousands and thousands of dollars trying to prosecute these cases, to go after the contractors that are responsible. What happens is that you have a number of contractors dealing with a street or a road project, and your property is damaged. All of the sudden, they are saying and they are pointing their fingers this way and that way, saying "Prove it is us, prove that it is my company," and it is very difficult to do.

Recently, down on Route 1, I believe it is Waldoboro, there was a church that has the colored windows, and they were damaged with a road construction job. These reclaimers are the ones that you see out on the Maine Turnpike, which is an appropriate place for them. They are digging up the roads; they are vibrating the devil out of the landscape, and as I said, that is an appropriate place to do it. The MDOT hydrologist was before the Natural Resources Committee last week, and I asked him a question about what happens with wells that our farm friends have, or if you are in a rural area, what happens there? They go out; they test the wells before they start the job to find out what the water flow is. After the work is done, they go back and see if there has been any change in the water flow, a very important issue.

Again, this is a situation that perhaps the time has not come, but it will come because as we use more and more of these pieces of equipment, more and more homes are going to be damaged by them. Sewer pipes are broken, foundations are cracked as I mentioned before. This is a bill that I hope will get a majority here in the House, in the peoples' House. We are elected to protect our people in our communities, and I think that we have demonstrated that time after time.

Men and Women of the House, I have every confidence that we are here to do the peoples' business and protect our friends neighbor. I would ask you to vote for this bill and defeat the

Majority Ought Not to Pass, and go with your friends and neighbors. Thank you, Mr. Speaker, and I want to thank the good Representative from Portland, Representative Marley, for allowing me to bring this here to the floor of the peoples' House. Thank you very much, Representative.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to ask you to support the Majority Ought Not to Pass Report. True, it does deal with reclaimers. If you have been following along the last six months or so, you will know that the cost of road construction has actually skyrocketed, it has gone up 35 percent in the last six months. This bill, if it should pass, would just simply add on more expense to the cities and towns to reclaim and rebuild their roads. It means that these materials would have to be dug up; they would have to be transported to a place out of town, ground up, transported back, and laid down. With these reclaimers that job is done in one motion. It is time effective and it is cost effective.

I realize that Representative McDonough has mentioned a couple of problems, there are problems in any construction, but the cost certainly would double, if not even triple for many communities. So, please support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge that you support the Majority, it is a 12-1 Committee Report, Ought Not to Pass, granted there is a lot of finger pointing going on here. If there are damages occurring, the insurance companies say it is up to the town, the town says it is up to the paving contractors, and so forth. As the Representative from Rockland pointed out, it does increase the cost considerably. What this does is it is like a giant rototiller: It grinds the pavement all up, and they have different sizes depending on the thickness of the road. Then they have the vibrating rollers, and again, these are a much more efficient way.

Again, something may have to be done, but it is something down the line. We need to establish the cause and not only the cause, but who is responsible for any damages incurred. Again, I urge you to support the Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, would ask you that you support the Ought Not to Pass motion. I just cannot believe that we are debating this. This was understood by the Committee, 12-1 Ought Not to Pass.

This is basically what everybody has been saying: It saves on the community and their expenses, and it is understood by the majority of the Committee as well that there was just one on the minority side, and the road-reclaiming machine does make a lot of noise, but that is it. It does shake the ground, but it does not do anything to save communities money. I would ask you strongly to support the Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since I am the one, I felt that I needed to get up. Just to give you an idea of why I voted for this, because I think we all see these 12-1 Reports and think, what is that person doing?

The good Representative from Scarborough, Representative

McDonough, brought the bill forward, and if you look at the bill title in the Minority Amendment, it is an "Act to Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Areas". The bill in fact, had two components, however. That was part of it, as far as limiting the type of equipment they could use. The second half was presumed liability piece. The Committee really was focused on the type of equipment that could be used in the neighborhoods, and in my amendment I actually took that out. I do not think it is our place to be telling businesses how to do their jobs.

However, just like most people, I think my home is probably my largest investment, it is my nest egg. When we are hearing stories about peoples' homes, you know, I am sitting at home and they are reclaiming the street in front of me and it is damaged, I had a concern about the homeowner and that investment. I will be honest, I do not know if this bill is the way to do it, but I did not feel it was appropriate to let this go under the hammers and Ought Not to Pass. Well, recognizing that this is a concern, when I did the Minority Report, I actually sent letters to the Chairs of Judiciary, and hearing from them and hearing from lawyers in the House, they said it really would get into the Maine Tort Act, Maine Tort Reform Act, I believe, is what it is called.

To be honest, if it was early in the session, I would have asked that this bill be re-referred to the Committee on Judiciary to address that—I assume it would be Judiciary, the good Representative mentioned Insurance, but I think it would be Judiciary—but that is really the point, that it is very important that we make sure that we protect the homeowner. Those that are supporting the Ought Not to Pass are absolutely right: This would be very cost prohibitive for communities if they did not use this equipment. However, how do we protect that homeowner, that investment when they have done nothing wrong, is the goal that I was looking at.

As I said, this may not be the way of doing it. I hope that if this is not the way of doing it, someone else will submit a bill that goes to the Judiciary and looks at this very issue, and make sure that we have the protection for the homeowners. Thank you very much.

Representative McDonOUGH of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this bill will do if we were to pass it, is it shifts the presumption of damage to the contractor. There are legal remedies already in place, so if a contractor damages a person's home, their foundation, their well, they are liable and they have to pay it, and they pay everyday, and most contractors have insurance. But if we shift the presumption to the contractor with no distance involved, everyone who has a crack in their foundation, if there is somehow that they can blame it on the road construction job, they are going to. So, we are going to have contractor after contractor going to court, presumed that they did the damage, and all of those costs are going to be added to the road projects.

Whether we use the heavy equipment, or whether we do not, you have to use some form of heavy equipment to rebuild a road. Do we want to stop rebuilding roads in some of these residential areas? Do we want to put this presumption of damage on every contractor, on every job? I think that we have plenty of legal safeguards now, and we do not need this bill. I would urge you to vote for the motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I promise to be very brief. I do not disagree with some of the things that the good Representative from Ripley has just talked about, but what I am saying is, and I say this to you, my friends, that this is no presumption on the contractor. We can handle it exactly the same way that we do with blasting now. If they are going to be dealing and tearing up the roads, and pounding the heck out of peoples' property, they can at least go in and video the foundations. That eliminates this business of saying every contractor is going to be taken into court.

Another issue is the contractors have deep pockets, and the poor homeowner is the one that has to go out and take the contractor to court when they cannot afford it, so nothing happens other than the fact that you have a damaged piece of property that is your main place that you live. I would just say once again that this is a peoples' bill. If we want to protect the people, we will vote for the bill, and I would ask you to follow my light. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just one last comment: This bill will send the message to private contractors of how difficult it is to do business here in Maine, by adding this unnecessary cost. I think that we are talking about an industry that hires thousands of people in the summer. What this bill will do is simply make it that much more difficult for these people to hire these people at work in our state, and get our roads in good shape. So, please, let's take a look at it from that angle as well. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may pose his question.

Representative **BURNS**: Mr. Speaker, the question is does homeowners liability insurance cover such damage on a no-fault basis, to anybody who can answer that. Thank you.

The **SPEAKER PRO TEM**: The Representative from Berwick, Representative Burns has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you, Mr. Speaker. In response to the question, I believe they do not.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The deep pockets the good Representative from Scarborough talks about are in fact not the contractors, but yours and mine; we are going to be the ones that pay the extra bill.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 85

YEA - Adams, Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta,

Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Hogan, Hotham, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Miramant, Muse, Nass, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Walker, Weaver, Webster, Weddell, Woodbury.

NAY - Craven, Fletcher, Gerzofsky, Harlow, Hinck, Jackson, Makas, Marley, McDonough, Pendleton, Rand, Rines, Schatz, Tuttle, Wagner, Walcott, Wheeler.

ABSENT - Babbidge, Berube, Boland, Chase, Cressey, Dunn, Duprey, Greeley, Mills, Moore, Norton, Richardson E, Watson, Mr. Speaker.

Yes, 119; No, 17; Absent, 14; Vacant, 1; Excused, 0.

119 having voted in the affirmative and 17 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 1201) (L.D. 1718)

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
WEAVER of York
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
SCHATZ of Blue Hill

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1221) (L.D. 1738) Bill "An Act To Amend the Laws Relating to the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1309) (L.D. 1877) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(H.P. 730) (L.D. 970) Bill "An Act To Eliminate the Estate Recovery Delayed Claims Exemption" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)**

(H.P. 1129) (L.D. 1607) Bill "An Act To Establish a Fund to Provide American Flags at Veterans' Graves" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

(H.P. 791) (L.D. 1073) Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)**

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

(H.P. 926) (L.D. 1318) Resolve, To Require the Department of Marine Resources and the Office of Program Evaluation and Government Accountability To Conduct an Independent Review and Audit of the Public Health Division (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-326)**

On motion of Representative PERCY of Phippsburg, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-326)** was **READ** by the Clerk and **ADOPTED**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-326)** and sent for concurrence.

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

CONSENT CALENDAR

Second Day

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

(S.P. 642) (L.D. 1806) Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)

(S.P. 678) (L.D. 1865) Bill "An Act To Amend the Long-term Care Insurance Law"

(S.P. 396) (L.D. 1208) Bill "An Act To Create Uniformity among Certain Self-insureds" (C. "A" S-130)

(S.P. 516) (L.D. 1489) Bill "An Act To Enhance Fairness in Arbitration" (C. "A" S-131)

(H.P. 886) (L.D. 1258) Bill "An Act To Clarify the Laws Governing Landowner Liability"

(H.P. 934) (L.D. 1326) Bill "An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installation and Maintenance"

(H.P. 883) (L.D. 1241) Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code" (C. "A" H-314)

(H.P. 902) (L.D. 1274) Bill "An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety" (C. "A" H-302)

(H.P. 964) (L.D. 1372) Bill "An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act" (C. "A" H-303)

(H.P. 1030) (L.D. 1468) Bill "An Act To Adjust the Milk Handling Fee" (C. "A" H-306)

(H.P. 1031) (L.D. 1469) Bill "An Act To Enhance Accountability in Future Tax Increment Financing" (C. "A" H-299)

(H.P. 1173) (L.D. 1664) Bill "An Act To Exempt Vegetable Seeds and Fertilizer from the Sales Tax" (C. "A" H-308)

(H.P. 1231) (L.D. 1765) Bill "An Act To Ensure End-of-life Care for Children with Terminal Illnesses" (C. "A" H-301)

(H.P. 1247) (L.D. 1785) Bill "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12" (C. "A" H-311)

(H.P. 1258) (L.D. 1803) Bill "An Act To Clarify Comprehensive Planning and Land Use Ordinances" (C. "A" H-300)

(H.P. 1260) (L.D. 1805) Bill "An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community" (C. "A" H-309)

(H.P. 1268) (L.D. 1816) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" H-307)

(H.P. 1269) (L.D. 1821) Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY) (C. "A" H-312)

(H.P. 1283) (L.D. 1841) Bill "An Act To Improve the Efficiency of the Maine Emergency Medical Services System" (C. "A" H-315)

(H.P. 1295) (L.D. 1859) Bill "An Act To Prepare All Maine Students for College, Career and Citizenship" (C. "A" H-313)

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.

BILLS IN THE SECOND READING
Senate as Amended

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Human Services for Promoting Permanency and Safety for Children (EMERGENCY)

(S.P. 484) (L.D. 1396)
(C. "A" S-119)

House as Amended

Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"

(H.P. 645) (L.D. 846)
(H. "A" H-305 to C. "A" H-289)

Bill "An Act To Establish the Coyote Award Program"

(H.P. 763) (L.D. 1045)
(C. "A" H-295)

Bill "An Act To Prohibit Maine from Participating in a National Identification Card System"

(H.P. 831) (L.D. 1138)
(C. "A" H-304)

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

Bill "An Act To Amend the Family Medical Leave Laws"

(S.P. 119) (L.D. 375)
(C. "A" S-121)

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

On motion of Representative MARLEY of Portland, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-332)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Hopefully I will be more successful than I was on the previous bill that I debated.

This amendment, after we had the discussion, and I am fully in support of the bill that is before us that I am asking to amend, the Family Medical Leave Act. However, afterwards, if you recall it was Thursday or Friday that we passed this, we were all waiting down in our committees for our colleagues from the other Chamber. We were discussing how so many of us have either constituents or family members who have had a sibling care for another sibling. I noticed that and many of my colleagues who spoke to me about this, noticed that siblings were taken out or were not part of the Family Medical Leave Act. I feel this was inappropriate. I think that if we do not allow siblings to care for others that could impact them and may cost money down the road, as far as these siblings may have to go into a nursing home or other facilities. If you look at the Amendment, it simply adds the term "sibling" after the word "partner" in the bill. I hope you will support this, and I think it would be good for all of us to be able to care for our families. Thank you.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-332)** and later today assigned.

ENACTORS

Emergency Measure

An Act To Provide Notice to the General Public about Proposed Initiative Questions

(S.P. 58) (L.D. 176)
(C. "A" S-114)

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 Pro Tem and sent to the Senate.

Emergency Measure

An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission

(H.P. 592) (L.D. 774)
(C. "A" H-252)

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. 119 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

(10-3) An Act To Support the Commercial Groundfish Industry

(H.P. 646) (L.D. 847)
(C. "A" H-278)

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 Pro Tem and sent to the Senate.

Emergency Measure

An Act To Enhance Child Support Collections in Maine

(S.P. 328) (L.D. 1011)
(C. "A" S-112)

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

Emergency Measure

An Act Concerning the Practice of a Deceased or Incapacitated Dentist

(S.P. 382) (L.D. 1194)
(C. "A" S-118)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE**

ENACTED, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts

(H.P. 965) (L.D. 1373)
(C. "A" H-273)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act Concerning Harness Racing Association Funding

(H.P. 991) (L.D. 1408)
(C. "A" H-243)

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. 118 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License

(H.P. 1302) (L.D. 1870)
(C. "A" H-279)

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

Emergency Measure

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth

(S.P. 686) (L.D. 1887)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites

(H.P. 268) (L.D. 334)

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. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled

(S.P. 112) (L.D. 339)
(C. "A" S-117)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Lake and Pond Water Levels, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 728) (L.D. 968)
(C. "A" H-253)

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. 106 voted in favor of the same and 20 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Transportation To Expend Funds for Fisheries and Waterfront Initiatives

(H.P. 847) (L.D. 1154)
(C. "A" H-244)

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. 120 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1277) (L.D. 1830)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases
(H.P. 69) (L.D. 71)
(C. "A" H-248)

An Act To Place Land in Centerville in Trust
(H.P. 71) (L.D. 73)
(C. "A" H-239)

An Act To Include Student Representation on the State Board of Education
(H.P. 133) (L.D. 151)
(C. "A" H-271)

An Act To Place Land in Township 21 in Trust
(H.P. 151) (L.D. 169)
(C. "A" H-241)

An Act To Create a Nonresident Lobster and Crab Landing Permit
(H.P. 255) (L.D. 311)
(C. "A" H-257)

An Act To Establish an Apprenticeship Hunter License Program
(H.P. 370) (L.D. 486)
(C. "A" H-238)

An Act To Support Efforts To Attract and Retain Young People in the State's Workforce
(H.P. 571) (L.D. 750)
(C. "A" H-247)

An Act To Improve the Historic Preservation Tax Credit
(S.P. 259) (L.D. 816)
(C. "A" S-115)

An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators
(H.P. 656) (L.D. 867)
(C. "A" H-242)

An Act To Authorize Nonprofit Organizations To Conduct Tournament Games
(H.P. 677) (L.D. 892)
(C. "A" H-267)

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax
(H.P. 712) (L.D. 937)
(C. "A" H-283)

An Act To Enhance the Newborn Hearing Program
(H.P. 835) (L.D. 1142)

An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board
(H.P. 864) (L.D. 1183)
(C. "A" H-264)

An Act To Clarify Intermittent Leave under the Family Medical Leave Laws
(H.P. 889) (L.D. 1261)

An Act To Provide Oversight for Crematoriums
(H.P. 907) (L.D. 1289)
(C. "A" H-276)

An Act To Make Technical Changes to Maine's Aquaculture Statutes
(H.P. 992) (L.D. 1409)
(C. "A" H-251)

An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance

(H.P. 1036) (L.D. 1474)
(C. "A" H-236)
An Act Relating to Bad Check Enforcement Programs Operated by Private Entities

(H.P. 1038) (L.D. 1476)
An Act To Facilitate and Promote Regional Cooperation

(H.P. 1218) (L.D. 1735)
(C. "A" H-265)
An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics

(S.P. 620) (L.D. 1753)
(S. "A" S-113)
An Act To Harmonize State and Federal Laws on Do-not-call Lists

(S.P. 655) (L.D. 1837)
An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring

(H.P. 1285) (L.D. 1845)
(C. "A" H-254)
An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992

(H.P. 1297) (L.D. 1861)
An Act To Establish the Acquired Brain Injury Advisory Council

(S.P. 709) (L.D. 1909)
Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolves

Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business
(H.P. 329) (L.D. 413)
(C. "A" H-280)

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities
(H.P. 501) (L.D. 652)
(C. "A" H-237)

Resolve, To Direct the Department of Health and Human Services To Review and Report on Efforts Concerning Postpartum Mental Health Education
(S.P. 241) (L.D. 792)
(C. "A" S-111)

Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services
(H.P. 737) (L.D. 977)
(C. "A" H-249)

Resolve, To Increase Fairness in Medical Payments
(H.P. 823) (L.D. 1130)
(C. "A" H-250)

Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants
(S.P. 443) (L.D. 1280)
(C. "A" S-108)

Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels
(H.P. 956) (L.D. 1347)
(C. "A" H-268)

Resolve, To Ensure the Success of Regional Climate Change Efforts

(H.P. 973) (L.D. 1381)
(C. "A" H-274)
Resolve, To Improve Landowner Relations
(H.P. 1151) (L.D. 1642)
(C. "A" H-233)

Resolve, To Promote Energy Conservation in Schools
(H.P. 1175) (L.D. 1666)
(C. "A" H-281)

Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language
(H.P. 1238) (L.D. 1780)
(C. "A" H-275)

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools
(H.P. 1314) (L.D. 1880)
(C. "A" H-284)

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

An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act
(H.P. 86) (L.D. 94)
(C. "A" H-240)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 86

YEA - Adams, Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury.

NAY - NONE.

ABSENT - Babbidge, Barstow, Berube, Boland, Burns, Chase, Cressey, Duprey, Moore, Norton, Peoples, Richardson E, Watson, Mr. Speaker.

Yes, 136; No, 0; Absent, 14; Vacant, 1; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act Concerning Maine's Highway Safety Laws
(H.P. 1284) (L.D. 1844)
(C. "A" H-270)

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

On motion of Representative MARLEY of Portland, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-333)** which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is simply a revised Fiscal Note that would replace the original Fiscal Note in Committee Amendment "A." I just wanted to make sure that was clear as we vote on this bill. Thank you.

Subsequently, **House Amendment "A" (H-333)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-270)** and **House Amendment "A" (H-333)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 24, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-287) - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Harness Racing Laws"

(H.P. 914) (L.D. 1296)

TABLED - May 22, 2007 (Till Later Today) by Representative PIEH of Bremen.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-287)** 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 PIEH of Bremen **PRESENTED House Amendment "A" (H-320)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment is housekeeping. The bill came to us from the Attorney General's Office, to sort out the language for what happens to someone who dopes the horse they are going to race. When it was put from the regular language into the coded language, they thought they were adding a new civil class III, whatever it is, fine, so they put a fiscal note on it. The good Representative from Farmington picked up on that, and we fixed the bill, so that is all this amendment does. Thank you very much.

House Amendment "A" (H-320) was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-287)** and **House Amendment "A" (H-320)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(S.P. 99) (L.D. 317) Bill "An Act To Increase the Availability of Public Education Services from Child Development Services" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-142)**

(S.P. 246) (L.D. 797) Bill "An Act To Conform State Law with Federal Law Regarding Bankruptcy Exemptions" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-141)**

(S.P. 386) (L.D. 1198) Bill "An Act To Discontinue Over-the-counter Drug Coverage for MaineCare Patients" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)**

(S.P. 407) (L.D. 1219) Bill "An Act To Control Flooding" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)**

(S.P. 564) (L.D. 1620) Bill "An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

(S.P. 570) (L.D. 1626) Bill "An Act To Ensure Cost-effective Training for Certified Nursing Assistants" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)**

(S.P. 612) (L.D. 1745) Bill "An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-143)**

(S.P. 629) (L.D. 1778) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)**

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

ENACTORS
Emergency Measure

Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division (H.P. 926) (L.D. 1318) (C. "A" H-326)

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 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)** on Bill "An Act To Require a Commercial Applicator's License To Use Pesticides in Food-handling Establishments" (H.P. 650) (L.D. 861)

Signed:
Senators:
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:
PIEH of Bremen
MAREAN of Hollis
PIOTTI of Unity
LUNDEEN of Mars Hill
PRATT of Eddington
PINEAU of Jay

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

Signed:
Senator:
SHERMAN of Aroostook

Representatives:
GIFFORD of Lincoln
CARTER of Bethel
CRAY of Palmyra
EDGECOMB of Caribou

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-318)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 30, 2007.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes"

Signed: (H.P. 954) (L.D. 1345)

Senator:
STRIMLING of Cumberland

Representatives:
TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-323)** on same Bill.

Signed:
Senators:
SULLIVAN of York
DOW of Lincoln

Representatives:
THOMAS of Ripley
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison

READ.

On motion of Representative TUTTLE of Sanford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)** on Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel"

(H.P. 1130) (L.D. 1608)

Signed:
Senator:
MITCHELL of Kennebec

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennyville
MUSE of Fryeburg

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

Signed:
Senators:
BOWMAN of York
MILLS of Somerset

Representative:
STRANG BURGESS of Cumberland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-329)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 30, 2007.

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

On motion of Representative CLARK of Millinocket, the House adjourned at 11:13 a.m., until 9:00 a.m., Wednesday, May 30, 2007 in honor and lasting tribute to Gordon J. McCauslin, of Millinocket.