

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

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Second Regular Session

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 8, 2008

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

Prayer by Pastor Ron Sargent, Hollis Center Baptist Church.

National Anthem by Scott DeRaps, Richmond.

Pledge of Allegiance.

The Journal of Thursday, January 3, 2008 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 812)

ORDERED, the House concurring, that the Committee To Study Appropriate Funding of the State Police, established by S.P. 725 during the First Regular Session of the 123rd Legislature, shall convene one meeting no later than January 13, 2008 for the purpose of finalizing a report that includes findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation and the Joint Standing Committee on Criminal Justice and Public Safety. Pursuant to Joint Rule 353, the study committee is not authorized to introduce legislation. Upon receipt of the report, the Joint Standing Committee on Transportation may, pursuant to Joint Rule 353, introduce a bill during the session in which the report is submitted to implement its recommendations on matters relating to the report.

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

READ and **PASSED** in concurrence.

Bill "An Act To Correct the Uniform Limited Partnership Act of 2007"

(S.P. 811) (L.D. 2128)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

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

Non-Concurrent Matter

Bill "An Act Regarding International Trade Agreements"

(H.P. 1482) (L.D. 2096)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on January 2, 2008.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

At this point, the Speaker recognized the Representative from Orono, Representative CAIN, the Representative from Newfield, Representative CAMPBELL, the Representative from Hampden, Representative DUPREY, the Representative from Cutler, Representative EMERY, the Representative from Newcastle, Representative MCKANE and the Representative from Bucksport, Representative ROSEN and they were added to the quorum call of the Second Regular Session of the 123rd Legislature.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Requirements for Approval of the Use of Physical Restraints"

(H.P. 1518) (L.D. 2138)

Sponsored by Representative CRAVEN of Lewiston.

Cosponsored by Senator: SNOWE-MELLO of Androscoggin.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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

(H.P. 1514) (L.D. 2132)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Representative MARLEY of Portland, Senator

STRIMLING of Cumberland and Representatives: BURNS of Berwick, CLARK of Millinocket, Speaker CUMMINGS of Portland, DRISCOLL of Westbrook, FAIRCLOTH of Bangor, PINGREE of North Haven.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

Bill "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

(H.P. 1508) (L.D. 2129)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by President EDMONDS of Cumberland and Representatives: Speaker CUMMINGS of Portland, EATON of Sullivan, GERZOFKY of Brunswick, MAZUREK of Rockland, McDONOUGH of Scarborough, PERCY of Phippsburg, RECTOR of Thomaston, SMITH of Monmouth, Senators: DAMON of Hancock, DOW of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites"

(H.P. 1517) (L.D. 2137)

Sponsored by Representative McDONOUGH of Scarborough.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers" (EMERGENCY)

(H.P. 1515) (L.D. 2133)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator BROMLEY of Cumberland and Representatives: EBERLE of South Portland, GERZOFISKY of Brunswick, KAENRATH of South Portland, RINES of Wiscasset. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Legislative Youth Advisory Council

Representative MUSE for the **Legislative Youth Advisory Council** pursuant to the Maine Revised Statutes, Title 3, section 168-A asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters"

(H.P. 1510) (L.D. 2131)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Education

Representative NORTON for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1516) (L.D. 2136)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Legislative Youth Advisory Council

Representative FARRINGTON for the **Legislative Youth Advisory Council** pursuant to the Maine Revised Statutes, Title 3, section 168-A asks leave to report that the accompanying Bill "An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age"

(H.P. 1509) (L.D. 2130)

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1511)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," study the creation of a catastrophic illness fund to help firefighters, police officers, emergency medical technicians, paramedics and their families as follows.

1. Duties. The committee shall study and make recommendations on how best to establish a fund to assist firefighters, police officers, emergency medical technicians, paramedics and their spouses and children in the event of a catastrophic illness or death.

2. Meetings. The committee may meet as needed for the purpose of conducting this study.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee for this study.

4. Funding. The committee may be funded from available funding sources as approved by the Legislative Council.

5. Legislation. The committee may submit a bill during the First Regular Session of the 124th Legislature by the first Wednesday in November 2008 relating to the subject matter of the committee's study pursuant to this joint order.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

READ and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1512)

ORDERED, the Senate concurring, that the Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel is established as follows.

1. Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel established. The Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the following 13 members, appointed as follows:

A. Two members of the Senate, who must be members of the Joint Standing Committee on Criminal Justice and Public Safety, appointed by the President of the Senate;

B. Five members of the House of Representatives, who must be members of the Joint Standing Committee on Criminal Justice and Public Safety, appointed by the Speaker of the House;

C. One member of the public representing the Maine Emergency Medical Services' Board, appointed by the President of the Senate;

D. One member of the public representing the Maine Fire Chiefs Association, appointed by the President of the Senate;

E. One member of the public representing the Maine Chiefs of Police Association, appointed by the President of the Senate;

F. One member of the public representing the Maine Ambulance Association, appointed by the Speaker of the House;

G. One member of the public representing the Department of Public Safety, appointed by the Speaker of the House; and

H. One member of the public representing the Maine Hospital Association, appointed by the Speaker of the House.

3. Committee chairs. The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee.

5. Duties. The committee shall:

A. Review the efficiency and workability of the "blue paper" process;

B. Examine the practice whereby a patient voluntarily agrees to be transported to a psychological facility but then disagrees to be transported;

C. Consider ways to protect emergency medical services personnel;

D. Establish protocols to activate police intervention and arrest if emergency medical services personnel are attacked during transport; and

E. Develop recommendations to address identified issues and needs related to the subject matter of this study.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

7. Report. No later than the first Wednesday in November 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Criminal Justice and Public Safety may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

READ and REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

On motion of Representative FARRINGTON of Gorham, the following Joint Order: (H.P. 1513)

ORDERED, the Senate concurring, that the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine is established as follows.

1. Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine established. The Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing

Loss in Maine, referred to in this order as "the working group," is established.

2. Membership. The working group consists of 17 members, appointed as follows:

A. The following members appointed by the President of the Senate:

(1) Three members of the Senate. When making the appointments, the President of the Senate shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;

(2) One representative of the Maine Academy of Audiology;

(3) One representative of the Department of Education, Child Development Services;

(4) One representative of the Warren Center for Communication and Learning; and

(5) One representative of the Maine chapter of the American Academy of Pediatrics; and

B. The following members appointed by the Speaker of the House:

(1) Six members of the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;

(2) One representative of the Maine Speech-Language-Hearing Association;

(3) The Director of Statewide Educational Services for the Maine Educational Center for the Deaf and Hard of Hearing or the director's designee;

(4) The Executive Director of hear ME now! or the director's designee; and

(5) One representative of the Maine Society of Otolaryngology.

3. Working group chairs. The first-named Senator is the Senate chair of the working group and the first-named member of the House is the House chair of the working group.

4. Appointments. Those persons appointed in 2007 by the President of the Senate and the Speaker of the House to serve as members of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine as established by Resolve 2007, chapter 133, including the Senator and the member of the House appointed to serve as the chairs of that study, are appointed to serve as members of the working group established in this order.

5. Duties. The working group shall examine issues of access to timely and accurate diagnosis of hearing loss by 3 months of age and review and assess the processes by which families are informed of their options for communication and for finding providers in the State. In examining these issues, the working group shall specifically examine:

A. The definition of a "highly qualified provider" in various professions serving this population;

B. The operation and effectiveness of existing programs and resources for families who have children who have been identified as having hearing loss;

C. Opportunities for coordination to maximize the effects of available resources;

D. The need for state or private programs to supplement state programs or to enable existing programs to serve a greater portion of those eligible;

E. Techniques to use resources in new ways or new combinations that have the potential for easing the burden on current providers and enhancing the training of current and new providers to enable equal access to highly qualified providers to all children statewide;

F. The effects of limited resources for diagnostic testing and poor reimbursement rates; and

G. Programs and techniques that are employed in other states or countries.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

7. Meetings and report. The working group is authorized to meet up to 4 times during the Second Regular Session of the 123rd Legislature and shall submit its report, including suggested legislation, to the Second Regular Session of the 123rd Legislature no later than March 3, 2008.

8. Compensation. The legislative members of the working group are entitled to reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the working group that are held on days in which the Legislature is not in session. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at any authorized meetings of the working group.

9. Outside funding. The working group is funded by outside funding received and accepted by the Legislative Council in 2007 for the original purposes of funding the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine as established by Resolve 2007, chapter 133.

READ and PASSED.
Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 458) (L.D. 591)

Signed:
Senator:
DOW of Lincoln

Representatives:
TUTTLE of Sanford
THOMAS of Ripley

HASKELL of Portland
HAMPER of Oxford
DUPREY of Hampden
SYKES of Harrison
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-635)** on same Bill.

Signed:
Senator:
STRIMLING of Cumberland

Representatives:
CLARK of Millinocket
JACKSON of Allagash
BURNS of Berwick

READ.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-636)** on Bill "An Act To Care for Working Families"

(H.P. 1024) (L.D. 1454)

Signed:
Senator:
STRIMLING of Cumberland

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

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

Signed:
Senator:
DOW of Lincoln

Representatives:
THOMAS of Ripley
HASKELL of Portland
HAMPER of Oxford
DUPREY of Hampden

READ.

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

CONSENT CALENDAR
First Day

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

(H.P. 66) (L.D. 68) Bill "An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**

reporting **Ought to Pass as Amended by Committee Amendment "B" (H-638)**

(H.P. 69) (L.D. 71) Bill "An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-639)**

(H.P. 632) (L.D. 833) Bill "An Act To Support the Maine Patent Program" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-637)**

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

An Act Relating to Mortgage Lending and Credit Availability

(H.P. 1505) (L.D. 2125)

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. 138 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.

At this point, the Speaker recognized the Representative from Portland, Representative Adams, and he was added to the quorum call of the Second Regular Session of the 123rd Legislature.

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

On motion of Representative EBERLE of South Portland, the House adjourned at 10:40 a.m., until 5:30 p.m., Wednesday, January 9, 2008.