

MAINE STATE LEGISLATURE

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

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
26th Legislative Day
Friday, March 14, 2008

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

Prayer by Honorable Henry L. Joy, Crystal.
National Anthem by Jim Harris, Kennebunk.
Pledge of Allegiance.
Doctor of the day, Maroulla Gleaton, MD, Palermo.
The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, Regarding ISO New England (EMERGENCY)
(S.P. 884) (L.D. 2254)

Bill "An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development"

(S.P. 885) (L.D. 2255)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 479)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**WORKING GROUP TO STUDY THE EFFECTIVENESS AND
TIMELINESS OF EARLY IDENTIFICATION AND
INTERVENTION FOR CHILDREN WITH HEARING LOSS**

March 11, 2008

The Honorable Beth Edmonds, President
Maine State Senate
The Honorable Glenn Cummings, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
This letter is to inform you that the Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss has completed its work and submitted its final report, including recommended legislation to the Legislature, pursuant to Joint Order, H.P. 1513.

Sincerely,

S/Senator Nancy B. Sullivan, Senate Chair
S/Representative David W. Farrington, House Chair

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

The Following Communication: (H.C. 481)

STATE OF MAINE

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

March 10, 2008

The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature
State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Insurance and Financial Services from the review and evaluation of the Department of Professional and Financial Regulation under the State Government Evaluation Act. In its review, the Committee found that the Commissioner's Office, the Bureau of Financial Institutions, the Bureau of Consumer Credit Protection, the Bureau of Insurance and the Office of Securities within the Department of Professional and Financial Regulation are operating within its statutory authority.

Sincerely,

S/Senator Nancy B. Sullivan
Senate Chair

S/Representative John R. Brautigam

House Chair

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

The Following Communication: (S.P. 887)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 11, 2008

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

123rd Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has withdrawn his following nominations to the Board of Pesticides Control pursuant to Title 3 M.R.S.A. §154:

Deborah Aldridge for appointment

Daniel Simonds for reappointment

Thomas Qualey for reappointment

These nominations are currently pending before the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.C. 676)

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

March 13, 2008

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Amend the Laws Regarding School Funding" (S.P. 741) (L.D. 1932).

The President has appointed as conferees on the part of the Senate the following:

- Senator Peter Bowman of York
- Senator Elizabeth Mitchell of Kennebec
- Senator Kevin Raye of Washington

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Commission on Governmental Ethics and Election Practices
Representative PATRICK for the **Commission on Governmental Ethics and Election Practices** 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 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) (H.P. 1621) (L.D. 2258)

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

Report was **READ** and **ACCEPTED** and the Resolve **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.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Winthrop High School Boys Basketball Team, which won the Class C Boys Basketball State Championship. We extend our congratulations to the members of the Ramblers on an excellent season, their good sportsmanship and the outstanding teamwork that has made them leaders on and off the court. We send our congratulations to the members of the team on their achievement;

(SLS 550)

On **OBJECTION** of Representative FLOOD of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 266) (L.D. 856) Bill "An Act To Reduce Drunk Driving" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**

reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)**

(S.P. 747) (L.D. 1936) Bill "An Act To Include the Town of Nobleboro within the Service Area of the Great Salt Bay Sanitary District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-444)**

(S.P. 844) (L.D. 2193) Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-445)**

(H.P. 1453) (L.D. 2069) Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-752)**

(H.P. 1483) (L.D. 2097) Bill "An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-754)**

(H.P. 1582) (L.D. 2216) Bill "An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-753)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 1494) (L.D. 2108) Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services

(H.P. 1538) (L.D. 2164) Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1380) (L.D. 1944) Bill "An Act Regarding the Application of Term Limits for the State Board of Education" (C. "A" H-745)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act"

(H.P. 1456) (L.D. 2072)

(H. "A" H-749 to C. "A" H-743)

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

(H.P. 1501) (L.D. 2121)

(C. "A" H-750)

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

ENACTORS
Acts

An Act Regarding the Use of Designated State-approved ATV Trails
(S.P. 773) (L.D. 1979)
(C. "A" S-443)

An Act To Amend the Laws Governing Agricultural Marketing and Bargaining
(S.P. 786) (L.D. 1992)
(C. "A" S-442)

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

Resolves

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands
(S.P. 735) (L.D. 1930)
(C. "A" S-441)

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-729)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-730)** - Committee on **TAXATION** on Bill "An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories"
(H.P. 670) (L.D. 885)

TABLED - March 13, 2008 (Till Later Today) by Representative PIOTTI of Unity.

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

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-730)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 17, 2008.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-732)** - Minority (5) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide for Fairness and Accuracy in Utility Rate Setting"
(H.P. 1490) (L.D. 2104)

TABLED - March 13, 2008 (Till Later Today) by Representative BLISS of South Portland.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-732)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 17, 2008.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "B" (H-664)** - Minority (6) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Labor Center within the University of Maine System"
(H.P. 115) (L.D. 123)

TABLED - March 13, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - Motion of Representative NORTON of Bangor to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

Subsequently, Representative TUTTLE of Sanford **REQUESTED** unanimous consent to **WITHDRAW** his **REQUEST** for a roll call.

Representative SYKES of Harrison **OBJECTED** to the **REQUEST**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-723)** - Committee on **MARINE RESOURCES** on Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry
(H.P. 1423) (L.D. 2039)

TABLED - March 12, 2008 (Till Later Today) by Representative GERZOFISKY of Brunswick.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

The Unanimous Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-723)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 17, 2008.

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

On motion of Representative THERIAULT of Madawaska, the House adjourned at 9:45 a.m., until 9:00 a.m., Monday, March 17, 2008.