

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
2nd Legislative Day
Friday, December 17, 2010

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

Prayer by Honorable Herbert E. Clark, Millinocket.
National Anthem by Tristan and Noah Gardner, Hampden.
Pledge of Allegiance.

Doctor of the day, Jo Linder, M.D., Falmouth and Joel Kase, D.O., Lewiston.

The Journal of Wednesday, December 1, 2010 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 20)

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

December 2, 2010

Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333-0002

Dear Clerk Priest:

Pursuant to my authority under Joint Rule 354, I am pleased to appoint the following Legislative House members to the Joint Select Committee on Joint Rules:

Representative Andre E. Cushing III, Chair (R-Hampden)
Representative Stacey Allen Fitts (R-Pittsfield)
Representative Richard M. Cebra (R-Naples)
Representative John L. Martin (D-Eagle Lake)
Representative Teresea Hayes (D-Buckfield)

Should you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 21)

**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

December 1, 2010

Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to Joint Rule 354, the President has made the following appointments to the Joint Select Committee on Joint Rules:

Senator Jonathan T.E. Courtney of York
Senator Debra D. Plowman of Penobscot
Senator David R. Hastings III of Oxford
Senator Philip L. Bartlett II of Cumberland
Senator Stanley J. Gerzofsky of Cumberland

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 22)

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0035**

November 30, 2010

Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear Speaker Pingree:

Pursuant to the Charitable Solicitations Act (9 MRSA §5010), the Annual Report on 2009 fundraising activity of charitable organizations licensed in the State of Maine is enclosed for your review. The Act requires charitable organizations, professional solicitors, professional fundraising counsel and commercial co-venturers to file Annual Fundraising Activity Reports (AFARs) by September 30th each year. The enclosed report covers the reporting period which began January 1, 2009 and concluded December 31, 2009.

Currently, there are 2,708 Charitable Organizations, 55 Professional Solicitors, 153 Professional Fundraising Counsels and 147 Commercial Co-venturers licensed in Maine, as well as 264 Exempt Organizations. The number of licensees overall has increased by approximately 34% during the past five years (from 2,483 in 2006 to 3,327 at present).

Maine's reporting requirement is intended to facilitate the oversight process and to provide information for use by the public in making decisions about their charitable giving. If you have any questions about this report, or if additional information is needed, do not hesitate to contact me.

Sincerely,

S/Anne L. Head, Esq.
Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 23)

**STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0111**

December 3, 2010

Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

RE: Interstate Commission for Adult Offender Supervision

Dear Speaker Nutting:

Enclosed please find a copy of the Annual Report of the Interstate Commission for Adult Offender Supervision.

Also enclosed is a copy of an article from the Department of Corrections internal newsletter, DOC TALK. In the article 2 employees of the Maine Department of Corrections, Denise Giles, Maine's Victims Advocate and Wayne Theriault, Maine's Commissioner to the Interstate Commission and newly elected vice chairman of the Commission, were recognized at the annual business meeting of the commission by being awarded two of the three awards given annually by the commission. Denise received the Payton Tuthill Award for her leadership and service on behalf

of victims of crimes. Wayne received the Chairman's award given annually to the Commissioner who it is deemed to have made major contributions towards furtherance of the goals and mission of the Commission.

Sincerely,
S/Wayne Theriault
Maine's Commissioner to the
Interstate Commission for Adult
Offender Supervision

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

The Following Communication: (H.C. 24)
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

December 6, 2010
Honorable Kevin L. Raye, President
Maine State Senate
Honorable Robert W. Nutting, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:
Pursuant to Public Law 2009, chapter 571, Part FFF, the Legal and Veterans' Affairs Committee Review of Slot Machine Revenue is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,
S/Sen. Nancy B. Sullivan
Senate Chair
S/Rep. Pamela Jabar Trinward
House Chair

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Mountain Valley High School Falcons Football Team, of Rumford, on its winning the 2010 Class B State Championship. This is the 4th Class B State Championship in the last 7 years. We extend our congratulations and best wishes to the members of the team on their accomplishment;

(HLS 1)

Presented by Representative PETERSON of Rumford.
Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

John Christian Durland, of Rumford, a student at Mountain Valley High School, who won the 29th annual Bruce Campbell Award, presented to the most valuable player in the Class B division of the Campbell Conference. We congratulate Christian

on his receiving this well-deserved honor and send him our best wishes on his future endeavors;

(HLS 2)

Presented by Representative PETERSON of Rumford.
Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

William A. Haley, of Hallowell, on the occasion of his retirement after 21 years of dedicated service to the Maine State Legislature. Mr. Haley, a United States Navy veteran, first served the State of Maine in the Secretary of State's office in the elections division. On December 18, 1989, during the 114th Legislature, he joined the Office of the Revisor of Statutes as a Legislative Technician. In 2004, he began serving in an acting capacity as Supervising Engrosser. He became the Engrossing Supervisor in 2006 and has served with distinction in that position. Mr. Haley is known throughout the capital area for his photography and his prizewinning shots of the State House, as well as for his talents as an actor and theater director. He has earned the affection, trust and respect of all who have worked with him. We send him our appreciation for his commitment to his community, his State and his Nation, and we send him our best wishes on his retirement;

(HLS 12)

Presented by Speaker NUTTING of Oakland.
Cosponsored by President RAYE of Washington, Representative TREAT of Hallowell, Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative TREAT: Thank you very much, Mr. Speaker. I rise as the Representative of Hallowell and also really a proud legislator to have Bill Haley as my constituent. Bill has worked, as you have heard, for 21 years in the Revisor's Office. Now those of you who are new to the Legislature, that may ring a bell for you because you know you have to go down there at some point if you want to put in legislation. But you may not realize the full range of activities of that office and how absolutely critical they are to the running of the Legislature, and Bill Haley has been part of that. It's sort of a part of the Legislature that you think of as being kind of quiet and retiring. You know, it's down there. It's in the basement level. It's got this weird, long name that probably came out of the 18th century when we were established as a Legislature, the Revisor of Statutes. So what do they do down there? Well, really important stuff like drafting all of the bills. And again, Bill Haley has been an important part of that. But what I know Bill Haley for, particularly after moving to Hallowell, is the other part of his personality, which may be something that is also bred down there in this dark corner of the Legislature, the Revisor's Office, which is an outsized personality that gets into theatre and dramatics and singing and art. Some of you may know Meg Matheson, the former Revisor of Statutes, was well known for her thespian activities, and Bill Haley as well. Just recently, I went to a performance of Bill Haley's musical that he did the screenwriting for, and the music was done by someone else. It was called "In My Blood" and it was about all of the lobster wars in Maine. I saw him this spring as the singing dentist, Dr. Kitchell, in a performance of "Bells Are Ringing."

And he brings to that, again, his personality. He is a man around town that people see and enjoy at many times during the days of the week, so I know that his retirement will not be retiring in any way. He will in fact be out there doing really interesting fun things in the community of Hallowell, and I invite you all to come and wish him well and to also participate in our theatrical activities so that you can continue to visit with Bill. I am just very honored, again, to wish him well in his retirement after 21 years helping the Legislature do good work. Thank you, Mr. Speaker.

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

SENATE PAPERS

The following Joint Order: (S.P. 12)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, January 5, 2011, at 9:00 in the morning.

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

COMMUNICATIONS

The Following Communication: (H.C. 25)

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

December 17, 2010

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Priest:

Pursuant to my authority under Joint Order, S.P. 9, I am pleased to appoint the following members to the Joint Select Committee on Regulatory Fairness and Reform:

Representative Jonathan B. McKane of Newcastle (Chair)

Representative Stacey Allen Fitts of Pittsfield

Representative Dianne C. Tilton of Harrington

Representative Dana L. Dow of Waldoboro

Representative Michael D. McClellan of Raymond

Representative James W. Parker of Veazie

Representative Robert S. Duchesne of Hudson (Ranking Democratic Member)

Representative Sharon Anglin Treat of Hallowell

Representative Michael E. Carey of Lewiston

Representative Linda M. Valentino of Saco

If you have any questions regarding these appointments please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

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

At this point, the Speaker recognized the Representative from Gardiner, Representative HANLEY, and he was added to the quorum call of the First Regular Session of the 125th Legislature.

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative HANLEY of Gardiner to Seat 101.

Speaker **NUTTING**: On the heels of the Chair welcoming Representative Hanley to the 125th Legislature, the Chair would also like to say that I am pleased to add to the record of the First Regular Session of the 125th Legislature, the Honorable Everett McLeod of Lee, who was sworn in by Governor Baldacci on December 5th in his home. We are all hoping for the best for Everett, and your best wishes and prayers would be greatly appreciated.

At this point, the Speaker recognized that the Representative from Lee, Representative McLEOD, was sworn in at his home by Governor Baldacci on December 5th as a member of the 125th Legislature.

COMMUNICATIONS

The Following Communication: (H.C. 26)

**MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY**

December 17, 2010

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

The President today has made the following appointments under Joint Order S.P. 9 establishing the Joint Select Committee on Regulatory Fairness and Reform:

Senator Jonathan T.E. Courtney of York, Chair

Senator Christopher Rector of Knox

Senator Thomas B. Saviello of Franklin

Senator Justin Alford of Cumberland

Senator Seth Goodall of Sagadahoc

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

SENATE PAPERS

The following Joint Order: (S.P. 13)

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 3 to read:

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

; and be it further
ORDERED, that the Joint Rules be amended by amending Joint Rule 208 to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. ~~Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form.~~ This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.

; and be it further
 ORDERED, that the Joint Rules be amended by amending Joint Rule 209, first paragraph to read:

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be and shall so notify the Revisor of Statutes.

; and be it further
 ORDERED, that the Joint Rules be amended by amending Joint Rule 211 to read:

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve that when the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for signature; the primary sponsor and cosponsors shall sign the bill within the established deadlines. ~~Further changes must be proposed~~ The sponsor shall propose any further changes to the committee of reference. If the primary sponsor does not sign the bill within this period, the bill is void. If cosponsors do not sign the bill within either period, their names must be removed from the bill.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 301, last paragraph to read:

There are 47 established 16 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

- Agriculture, conservation and forestry
- Appropriations and financial affairs
- ~~Business, research and economic development~~
- Criminal justice and public safety
- Education and cultural affairs
- Energy, utilities and technology
- Environment and natural resources
- Health and human services
- Inland fisheries and wildlife
- Insurance and financial services
- Judiciary
- Labor, commerce, research and economic development
- Legal and veterans affairs
- Marine resources
- ~~Natural resources~~
- State and local government
- Taxation
- Transportation
- ~~Utilities and energy~~
- Veterans, elections and gaming

; and be it further
 ORDERED, that the Joint Rules be amended by amending Joint Rule 303 to read:

Rule 303. Committee Clerks.

The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and the Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salary of each committee clerk is established by the President of the Senate and the Speaker of the House, and the employment of the committee clerks terminates no later than the end of the session. The Office of Fiscal and Program Review shall provide clerical support to the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further
 ORDERED, that the Joint Rules be amended by amending Joint Rule 304, first paragraph to read:

At the beginning of each legislative biennium, ~~all committees shall adopt~~ the presiding officers shall establish procedures that govern public hearings, work sessions and confirmation hearings. ~~Copies~~ Once established, copies of the procedures must be sent to the ~~presiding officers committees,~~ the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council ~~upon adoption and~~ A committee by majority vote may make exceptions to the rules and notify the presiding officers of exceptions to the rules. Final committee rules must be posted and made available upon request at all public hearings and work sessions.

; and be it further
 ORDERED, that the Joint Rules be amended by amending Joint Rule 305, first paragraph to read:

At the beginning of the regular session, ~~each committee shall recommend to the presiding officers specific days for its~~ the presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. ~~Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Committees may meet only on authorized meeting~~

days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day ~~on the board provided for that purpose on the third floor of the State House in the State House and the Cross Building.~~ A committee may not hold a hearing or conduct a work session for which notice has not been posted.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 311 to read:

Rule 311. Errors and Inconsistencies Legislation.

~~Prior to reporting out any The Revisor of Statutes shall prepare any necessary omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary and the bill must be referred to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which direct the Revisor of Statutes to prepare those amendments should that must be included in the bill reported out.~~ A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 312 to read:

Rule 312. Fiscal Notes.

Every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Leave to Withdraw," "Ought Not to Pass" or "Referral to Another Committee" must include a fiscal note prepared by the Office of Fiscal and Program Review. For a bill or resolve not yet reported out and upon request of a majority of the committee, the Office of Fiscal and Program Review shall, after notice by the committee to the sponsor of the bill or resolve, meet with the committee at a work session to present its analysis and provide copies of the written public materials relied upon by the office to prepare that fiscal note. ~~The committee clerk shall provide the sponsor of the bill or resolve with prior notification of the work session.~~ The committee clerk shall provide the Office of Fiscal and Program Review with a copy of all testimony and other materials received by the committee on a bill or resolve whenever the committee recommendation is other than "Leave to Withdraw," unanimous "Ought Not to Pass" or unanimous "Referral to Another Committee." The fiscal note must accompany the committee report before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 1 to read:

1. Budget Recommendations. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee, or a subcommittee of the policy committee, having jurisdiction over the subject matter presented.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 4 to read:

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees' recommendations. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs and presented in a format specified by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 5 to read:

5. Additional Funds. Following To the extent practicable, at the time of submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 7 to read:

7. List of Priorities. Within 5 business days after ~~reporting out all bills involving~~ receiving a list from the Office of Fiscal and Program Review of all bills reported out of a committee that involve appropriations or revenues, the policy committees committee shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' that committee's priorities for final passage of these bills. The list must be accompanied by a form signed by all committee members indicating how they voted on the priority recommendations.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 316 to read:

Rule 316. Penobscot Nation , Passamaquoddy Tribe and Houlton Band of Maliseet Indians.

The member of the Penobscot Nation and , the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

; and be it further

ORDERED, that the Joint Rules be amended by adding Joint Rule 318 to read:

Rule 318. Review of judicial proceeding priorities.

Whenever a legislative measure is proposed that contains a provision to expedite, establish or adjust the priority of judicial proceedings, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public meeting on the proposal and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over judiciary matters to review and evaluate the proposal as it pertains to the appropriate priority and timing of judicial proceedings in all state courts. Information may be requested from the Judicial Branch. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall conduct the review and report back to the committee of jurisdiction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 354 to read:

Rule 354. Joint Select Committee on Joint Rules.

There is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

The Joint Select Committee on Joint Rules shall review and make recommendations concerning the Legislative Council. This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council. This section of the Joint Rules may be approved by a majority vote following the report of the Joint Select Committee on Joint Rules. Any change to the title of the Legislative Council in the Joint Rules may also be changed by majority vote.

~~The committee shall report by October 15th, in the even numbered years with any suggested changes to the Joint Rules.~~

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 502 to read:

Rule 502. Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. Upon receipt by the President of the Senate and the Speaker of the House and the Legislative Information Office of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the ~~President of the Senate and Speaker of the House~~ Legislative Information Office shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee that is charged by law with reviewing nominations to that office, ~~to the Legislative Information Office~~ and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 505 to read:

Rule 505. Committee Vote.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote must be by the yeas and nays of those present and voting. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

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

READ.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative CUSHING: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to report to you as the House Chair of the Rules Committee that we have completed our work and lay before the House the order that you see. But I did want to speak to the fact that we were very appreciative of the work of all members of the committee, and particularly wish to express our appreciation for the respectful way in which all members thought through the process and came up with the results. My personal compliments to the Representative from Eagle Lake for his wise advice and wisdom in sharing with us some of the history of issues that came before us, and our very greatest appreciation that we can move forward in doing the people's business in a timely manner. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I fully agree with the remarks that have been made by the Assistant Majority Floor Leader, and people over the last couple of days have asked why the rules change. I said because one of the things that happen when you become a majority, there are things you want to change. I was thinking back of when the Democrats took over in 1974 and I became Speaker. If you look at the changes in the rules at that time, it's pretty amazing. Some of you may not know that there was nothing as a House Chair prior to that time. House members were referred to as the Vice Chair of every committee, and only members of the other body were referred to as the Chair of the committee. So keep in mind that that was when a party, the Republicans controlled the other body and we controlled the House. We decided that we wanted to change the rules, and it was something that we negotiated at great length, and other things which I won't bore you with, in that process, in between the start of the session. So I understand fully where the majority party was coming from in the past weeks, and not that I agree with everything, but as part of the process of, as they say, changing of the guard.

So when we started reviewing some of these things, as you go through there were a lot of things that were proposed which were jointly eliminated by both sides. Then we went through a series of items in which we came to agreement. As you go through that, basically negotiating throughout the day, we finally got to what we all knew was the issue before us that we thought we might break on, and that was basically the suggestion of

doing away with the Labor Committee. We felt very strongly, of course, that that was not a direction where we wanted to go as a party. Frankly, we moved forward from that. Initially that was going to be eliminate the Labor Committee and then it was a suggestion by some to the Committee on Jobs, and then eventually we got to where we jointly agreed.

I must point out as an aside that I don't know who it is in the business community that got my email at the university, but I wish they would stop using it because, all of the sudden, I'm still getting emails on the university email system and it's clogging my students from being able to communicate with me. So whomever out there has it, please got back to using the legislative email so I can continue to do grades for those poor college students who are quickly awaiting. And I apologize because it's happening again.

So I think that one of the things that I really am very thankful for, I think we have come to a conclusion, we have unanimously agreed, and we are moving forward and I think that is an important part. From our point of view, we feel that we've retained the voice of Maine workers, whether they be cash register operators or they be in my area cutting wood or harvesting wood, or, for that matter, fighting fires. So I congratulate basically every single member of the committee and I'm very pleased that we got to where we are.

Representative CORNELL du HOUX of Brunswick **PRESENTED House Amendment "A" (H-1)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very minor change that recognizes the great number of veterans' issues we deal with within the Legislature and the committee.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

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

The **SPEAKER**: The Representative may pose her question.

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a question on the amendment. I listened to all of the hearings the other day and I see what was here. That was not the recommendation of the committee to change the name from Veterans and Legal Affairs. The recommendation of the committee was to change it to Veterans, Gaming and Elections, which would have identified better what the committee was doing, especially in light of everything that's happened with the Oxford County racino. We felt that the gaming was a huge part of this committee. I'm just wondering just to change a name of a committee for the sake of changing it without giving any further explanation, there's a lot of stationery, everything else involved, and to me, if we're going to just have it Veterans and Legal Affairs, why not just keep it Legal Affairs and Veterans? The entire thing that I listened to was that it was confusing; nobody knows what legal affairs are. So I would like basically an explanation why we're going to make this change when the only change to make it was Legal Affairs was too broad and nobody knew what it meant. So I'm just curious if anybody can answer for me why we're changing it from this versus the recommendation of the committee.

The **SPEAKER**: The Representative from Saco, Representative Valentino has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. I will try to answer it. There may be others that can offer even a better explanation, but, Mr. Speaker, Ladies and Gentlemen of the House, what's in a name is important to certain people, but also the connotation of how the letters of the name spell out is also important to those who answer or go to a committee. As simple as adjusting the word rotation and whether you put Veterans first is, I think, more important. So the easiest way for us to handle this and avoid long drawn-out discussions over what the best name of whether you call this "VEGAS", the "VEGAS" committee, because there is gaming involved. I mean we can get into all sorts of discussions, but I think what is most important, the former Legal and Veterans Affairs Committee, it was acknowledged that of all things veterans should come first, and by adjusting the name to be Veterans and Legal Affairs, we've put veterans first and not gotten into discussions about what those letters mean that everybody wants to spell out. So that's it, in a simplest form as an explanation, and there may be others that can offer a better explanation. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you very much, Mr. Speaker, and a further comment on this issue and the question. The original proposal had been made was that it would be the Veterans, Elections, Gaming and Alcohol Committee. There were a number of jokes that evolved around that, which we don't need to talk about, and decided that maybe it would be better, we would at least drop off one. Then when we got to getting to where we ended up, then there are possibilities of additional jokes occurred. So that is the reason for flipping, dropping that off and then simply going to Veterans, making it clear that veterans have a priority and then leaving it with the same two names that we have.

Subsequently, **House Amendment "A" (H-1)** was **ADOPTED**.

Subsequently, the Joint Order was **PASSED** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative CORNELL du HOUX of Brunswick, the House adjourned at 11:21 a.m., until 9:00 a.m., Wednesday, January 5, 2011 pursuant to the Joint Order (S.P. 12).