

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

pages 1 - 1067

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
13th Legislative Day
Tuesday, February 8, 2011

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

Prayer by Honorable Herbert E. Clark, Millinocket.

National Anthem by Honorable James M. Hamper, Oxford.

Pledge of Allegiance.

Doctor of the day, Thomas Leeson, D.O., Gardiner.

The Journal of Thursday, February 3, 2011 was read and approved.

SENATE PAPERS

Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

(S.P. 87) (L.D. 281)

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

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 To Permit Tuition Subsidies by Municipalities"

(H.P. 203) (L.D. 250)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on February 1, 2011.

Came from the Senate **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative RICHARDSON of Carmel, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 51)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 19, 2011

Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

This is to inform you that I am today nominating Paul H. Sighinolfi of Brewer for appointment as the Executive Director of the Maine Worker's Compensation Board.

Pursuant to Title 39-A MRSA, §151, this nomination will require review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 52)

STATE OF MAINE

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

February 7, 2011

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Title 2, MRSA, Chapter 5, §104, I am pleased to appoint Representative Leslie T. Fossel of Alna to the Advisory Council on Health Systems Development as a Representative serving on the Joint Standing Committee on Health and Human Services.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 53)

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

February 7, 2011

Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under 3 MRSA, §168-B, I am pleased to appoint Representative Alexander Reginald Willette of Mapleton to the Legislative Youth Advisory Council.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 54)

**STATE OF MAINE
125TH MAINE LEGISLATURE**

February 7, 2011

Honorable Paul R. LePage

Governor of Maine

1 State House Station

Augusta, Maine 04333

Dear Governor LePage:

We are pleased to invite you to deliver your Budget Address at a Joint Session of the 125th Maine Legislature on Thursday, February 10, 2011 at 11:00 a.m.

We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye

President of the Senate

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock"

(H.P. 253) (L.D. 320)

Sponsored by Representative EDGECOMB of Caribou.

Bill "An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control"

(H.P. 254) (L.D. 321)

Sponsored by Representative EDGECOMB of Caribou.

Bill "An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements"

(H.P. 263) (L.D. 330)

Sponsored by Representative KUMIEGA of Deer Isle.

Cosponsored by Representatives: BLACK of Wilton, FOSTER of Augusta, GIFFORD of Lincoln, McCABE of Skowhegan, O'BRIEN of Lincolnville, PILON of Saco, TIMBERLAKE of Turner.

Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River

(H.P. 288) (L.D. 362)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: BLACK of Wilton, FOSTER of Augusta, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Facilitate Local Food Production"

(H.P. 289) (L.D. 363)

Sponsored by Representative TILTON of Harrington.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: EDGECOMB of Caribou, PARKER of Veazie, Senator: President RAYE of Washington.

Bill "An Act Regarding the Sale of Raw Milk"

(H.P. 292) (L.D. 366)

Sponsored by Representative KUMIEGA of Deer Isle.

Cosponsored by Representatives: BERRY of Bowdoinham, MALABY of Hancock, McCABE of Skowhegan, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, PILON of Saco, Senator: PATRICK of Oxford.

Resolve, Authorizing Adjustments to Payments under the Dairy Stabilization Program (EMERGENCY)

(H.P. 308) (L.D. 382)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BRIGGS of Mexico, COTTA of China, LONG of Sherman, McCABE of Skowhegan, NELSON of Falmouth, Senator: SCHNEIDER of Penobscot.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Preserve the State's Public Pension Fund" (EMERGENCY)

(H.P. 269) (L.D. 336)

Sponsored by Representative CEBRA of Naples.

Resolve, Directing the Maine Public Employees Retirement System To Consider Warden Bayley Grant's Game Warden Service as Having Begun in 1983, without an Interruption in Service

(H.P. 276) (L.D. 350)

Sponsored by Representative TILTON of Harrington.

Cosponsored by President RAYE of Washington and Representatives: DAVIS of Sangerville, McFADDEN of Dennysville.

Bill "An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds"

(H.P. 285) (L.D. 359)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Senator GOODALL of Sagadahoc.

Bill "An Act To Establish a New Method of Determining the State Budget"

(H.P. 307) (L.D. 381)

Sponsored by Representative AYOTTE of Caswell.

Cosponsored by President RAYE of Washington and Representatives: CAIN of Orono, CURTIS of Madison, Senators: ROSEN of Hancock, SHERMAN of Aroostook.

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement"

(H.P. 327) (L.D. 409)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator RECTOR of Knox and Representatives: FITTS of Pittsfield, HERBIG of Belfast, STEVENS of Bangor, Senators: ALFOND of Cumberland, HOBBS of York, LANGLEY of Hancock.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY)

(H.P. 278) (L.D. 352)

Sponsored by Representative HASKELL of Portland.

Cosponsored by Senator KATZ of Kennebec and Representatives: CLARKE of Bath, DION of Portland, NELSON of Falmouth, VALENTINO of Saco.

Bill "An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms"

(H.P. 312) (L.D. 386)

Sponsored by Representative MORRISON of South Portland.

Cosponsored by Representatives: BECK of Waterville, BLODGETT of Augusta, EBERLE of South Portland, HARLOW of Portland, ROCHELO of Biddeford, Senator: BLISS of Cumberland.

Bill "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis"

(H.P. 299) (L.D. 373)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook and Representative: THERIAULT of Madawaska.

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

On motion of Representative PLUMMER of Windham, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Enhance Enforcement of Civil Orders of Arrest"

(H.P. 306) (L.D. 380)

Sponsored by Representative MOULTON of York.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: FOSTER of Augusta, MALONEY of Augusta.

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

On motion of Representative PLUMMER of Windham, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children" (H.P. 257) (L.D. 324)

Sponsored by Representative KENT of Woolwich.
Cosponsored by Senator ALFOND of Cumberland and Representatives: LOVEJOY of Portland, NELSON of Falmouth, RANKIN of Hiram, STRANG BURGESS of Cumberland, VOLK of Scarborough, WAGNER of Lewiston.

Bill "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education" (H.P. 258) (L.D. 325)

Sponsored by Representative KENT of Woolwich.
Cosponsored by Senator ALFOND of Cumberland and Representatives: LOVEJOY of Portland, NELSON of Falmouth, RANKIN of Hiram, STRANG BURGESS of Cumberland, VOLK of Scarborough, WAGNER of Lewiston.

Bill "An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate" (H.P. 259) (L.D. 326)

Sponsored by Representative KENT of Woolwich.
Cosponsored by Senator ALFOND of Cumberland and Representatives: LOVEJOY of Portland, NELSON of Falmouth, STRANG BURGESS of Cumberland, VOLK of Scarborough.

Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding (H.P. 273) (L.D. 347)

Sponsored by Representative MALABY of Hancock.
Cosponsored by Senator LANGLEY of Hancock and Representatives: DUNPHY of Embden, GILLWAY of Searsport, JOHNSON of Greenville, LONG of Sherman, MAKER of Calais, MOULTON of York, RIOUX of Winterport, TILTON of Harrington.

Bill "An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project" (H.P. 275) (L.D. 349)

Sponsored by Speaker NUTTING of Oakland.
Cosponsored by Representative COTTA of China, Senator LANGLEY of Hancock and Representatives: CURTIS of Madison, CUSHING of Hampden, DUNPHY of Embden, NASS of Acton, PRESCOTT of Topsham, RICHARDSON of Carmel, WINTLE of Garland, Senator: ROSEN of Hancock.

Bill "An Act To Amend the School Administrative Unit Consolidation Laws" (EMERGENCY) (H.P. 311) (L.D. 385)

Sponsored by Representative JOHNSON of Greenville.
Cosponsored by Senator THOMAS of Somerset and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GUERIN of Glenburn, HARMON of Palermo, KUMIEGA of Deer Isle, MAKER of Calais, MALABY of Hancock, McFADDEN of Dennysville.

Bill "An Act To Exempt Certain Necessary School Auxiliary Buildings for New Mechanical Systems from Referendum Requirements" (H.P. 315) (L.D. 389)

Sponsored by Representative WINTLE of Garland.

Cosponsored by Senator THOMAS of Somerset and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, FREDETTE of Newport, PICCHIOTTI of Fairfield, WOOD of Sabattus, Senator: RECTOR of Knox.

Bill "An Act Concerning Models for Teacher and Principal Evaluations" (H.P. 317) (L.D. 391)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator ALFOND of Cumberland and Representatives: JOHNSON of Greenville, LOVEJOY of Portland, NELSON of Falmouth, RICHARDSON of Carmel, Senators: COURTNEY of York, LANGLEY of Hancock, President RAYE of Washington, WOODBURY of Cumberland.

Bill "An Act To Require That School Administrative Units Establish a Mission Statement for Each of the Public Schools Operated by the School Administrative Unit" (H.P. 321) (L.D. 403)

Sponsored by Representative NELSON of Falmouth.
Cosponsored by Representatives: KNAPP of Gorham, LOVEJOY of Portland, RANKIN of Hiram, RICHARDSON of Carmel.

Bill "An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees" (H.P. 322) (L.D. 404)

Sponsored by Representative NELSON of Falmouth.
Cosponsored by Representatives: DILL of Cape Elizabeth, LOVEJOY of Portland, RICHARDSON of Carmel, STRANG BURGESS of Cumberland, WAGNER of Lewiston, Senator: LANGLEY of Hancock.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Move Propane Safety Oversight to the Maine Fuel Board" (H.P. 261) (L.D. 328)

Sponsored by Representative FITTS of Pittsfield.
Cosponsored by Senator RECTOR of Knox and Representatives: CRAY of Palmyra, HAMPER of Oxford, Senators: SAVIELLO of Franklin, SNOWE-MELLO of Androscoggin, SULLIVAN of York.

Resolve, To Evaluate the Energy Use of the State House (H.P. 287) (L.D. 361)

Sponsored by Representative CORNELL du HOUX of Brunswick.
Cosponsored by Senator THIBODEAU of Waldo and Representatives: FITTS of Pittsfield, HERBIG of Belfast, LUCHINI of Ellsworth, MALONEY of Augusta, Senators: BARTLETT of Cumberland, COURTNEY of York, HOBBS of York, RECTOR of Knox.

Bill "An Act To Require Clarification of the Dig Safe Standards" (H.P. 325) (L.D. 407)

Sponsored by Representative CRAY of Palmyra.
Cosponsored by Senator THIBODEAU of Waldo and Representatives: CEBRA of Naples, GIFFORD of Lincoln.

ENVIRONMENT AND NATURAL RESOURCES

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Regarding Snow Dumps (H.P. 266) (L.D. 333)

Sponsored by Representative BRIGGS of Mexico.
Cosponsored by Senator JACKSON of Aroostook and Representatives: BEAUDOIN of Biddeford, CASAVANT of Biddeford, RUSSELL of Portland, SHAW of Standish.

Bill "An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses"

(H.P. 305) (L.D. 379)

Sponsored by Representative CLARK of Millinocket.

Bill "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems"

(H.P. 313) (L.D. 387)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator SAVIELLO of Franklin, Senator COLLINS of York and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, KNAPP of Gorham, McKANE of Newcastle, NASS of Acton.

HEALTH AND HUMAN SERVICES

Bill "An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs"

(H.P. 272) (L.D. 346)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: CURTIS of Madison, EVES of North Berwick, Speaker NUTTING of Oakland, Senators: COURTNEY of York, HOBBS of York, LANGLEY of Hancock, McCORMICK of Kennebec, President RAYE of Washington.

Bill "An Act Regarding Agencies Contracted by the Department of Health and Human Services To Provide Regulatory Oversight and Billing Services"

(H.P. 279) (L.D. 353)

Sponsored by Representative SANBORN of Gorham.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: EVES of North Berwick, MacDONALD of Boothbay, ROTUNDO of Lewiston, STUCKEY of Portland, TREAT of Hallowell, Senators: BARTLETT of Cumberland, CRAVEN of Androscoggin.

Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

(H.P. 286) (L.D. 360)

Sponsored by Representative McKANE of Newcastle.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: CHASE of Wells, FITTS of Pittsfield, FOSSEL of Alna, MALABY of Hancock, RICHARDSON of Warren, Senators: COLLINS of York, McCORMICK of Kennebec, WHITTEMORE of Somerset.

Resolve, Directing the Department of Health and Human Services To Complete the Redesign of a Shared Living Program for Adults with Intellectual Disabilities (EMERGENCY)

(H.P. 302) (L.D. 376)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Representative: SANBORN of Gorham.

Bill "An Act To Allow a Personal Representative To Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services To Amend Its Rules Governing Vital Records Fees"

(H.P. 314) (L.D. 388)

Sponsored by Representative KNAPP of Gorham.

Cosponsored by Senator SULLIVAN of York and Representatives: FOSSEL of Alna, KNIGHT of Livermore Falls, WINTLE of Garland.

Resolve, To Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

(H.P. 316) (L.D. 390)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: EVES of North Berwick, O'CONNOR of Berwick, PETERSON of Rumford, SANBORN of Gorham, SIROCKI of Scarborough, STUCKEY of Portland, Senators: HOBBS of York, ROSEN of Hancock.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Prohibit the Use of Certain Motorboats on Lily Pond in Deer Isle"

(H.P. 282) (L.D. 356)

Sponsored by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock and Representative: CHAPMAN of Brooksville.

Bill "An Act To Reduce Deer Predation"

(H.P. 298) (L.D. 372)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook and Representative: THERIAULT of Madawaska.

Bill "An Act To Allow the Transfer of Whitewater Rafting Allocations When Water Levels in a River Are Not Suitable for Whitewater Rafting" (EMERGENCY)

(H.P. 304) (L.D. 378)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BLACK of Wilton, CLARK of Millinocket, DUNPHY of Embden, FOSTER of Augusta.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Permit Lenders To Exclude Government Insurance Fees When Determining whether a Loan Is a High-rate, High-fee Loan" (EMERGENCY)

(H.P. 260) (L.D. 327)

Sponsored by Representative RICHARDSON of Carmel.

Cosponsored by Representatives: HARMON of Palermo, MOULTON of York, RICHARDSON of Warren.

Bill "An Act To Apply the Federal Truth in Lending Act in Maine"

(H.P. 281) (L.D. 355)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Representative: RICHARDSON of Warren.

Resolve, Directing Updated Review and Evaluation of Maine's Mental Health Parity Law (EMERGENCY)

(H.P. 290) (L.D. 364)

Sponsored by Representative DION of Portland.

Cosponsored by Senator: GERZOSKY of Cumberland.

Bill "An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings"

(H.P. 294) (L.D. 368)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BEAULIEU of Auburn, BRIGGS of Mexico, BURNS of Whiting, CASAVANT of Biddeford, CLARK of Millinocket, DRISCOLL of Westbrook, GOODE of Bangor, HOGAN of Old Orchard Beach.

Bill "An Act To Improve Credit Reporting Regarding Consumers without a Credit History"

(H.P. 320) (L.D. 402)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Representatives: CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, JOHNSON of Greenville, TIMBERLAKE of Turner, Senator: THIBODEAU of Waldo.

Bill "An Act To Repeal the Provisions in the Insurance Laws Governing Guaranteed Issue and Community Rating"

(H.P. 328) (L.D. 410)

Sponsored by Representative DAVIS of Sangerville.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, JOHNSON of Greenville, PRESCOTT of Topsham, TIMBERLAKE of Turner, WATERHOUSE of Bridgton, Senator: THIBODEAU of Waldo.

JUDICIARY

Bill "An Act To Change the Method of Calculation of Child Support"

(H.P. 300) (L.D. 374)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand"

(H.P. 256) (L.D. 323)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Senator RECTOR of Knox and Representatives: DOW of Waldoboro, OLSEN of Phippsburg, PRESCOTT of Topsham, Senator: JACKSON of Aroostook.

Bill "An Act To Exempt Boilers in Municipalities and Schoolhouses from State Inspection Requirements"

(H.P. 301) (L.D. 375)

Sponsored by Representative GILLWAY of Searsport.

Cosponsored by Representatives: HARMON of Palermo, HERBIG of Belfast, JOHNSON of Greenville, O'BRIEN of Lincolnville, RIOUX of Winterport.

Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State" (EMERGENCY)

(H.P. 310) (L.D. 384)

Sponsored by Representative PICCHIOTTI of Fairfield.

Cosponsored by Senator WHITEMORE of Somerset and Representatives: HARVELL of Farmington, KNIGHT of Livermore Falls, MITCHELL of the Penobscot Nation, MORISSETTE of Winslow, SANDERSON of Chelsea, Senators: MARTIN of Kennebec, TRAHAN of Lincoln.

Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use (EMERGENCY)

(H.P. 324) (L.D. 406)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator ALFOND of Cumberland and Representatives: EVES of North Berwick, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of Portland.

Bill "An Act To Promote Further Stability within the Workers' Compensation System by Extending the Number of Terms That May Be Served on the Maine Employers' Mutual Insurance Company Board of Directors"

(H.P. 267) (L.D. 334)

Sponsored by Representative RICHARDSON of Warren.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative PRESCOTT of Topsham, the Bill was **REFERRED** to the Committee on **INSURANCE AND**

FINANCIAL SERVICES, ordered printed and sent for concurrence.

Bill "An Act To Allow Foresters, Soil Scientists and Geologists To Use Mechanics Liens"

(H.P. 268) (L.D. 335)

Sponsored by Representative FLOOD of Winthrop.

Cosponsored by Representative: KESCHL of Belgrade, Senators: KATZ of Kennebec, ROSEN of Hancock.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative PRESCOTT of Topsham, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

MARINE RESOURCES

Bill "An Act To Make Technical Changes to Aquaculture Laws"

(H.P. 270) (L.D. 337)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representatives: KRUGER of Thomaston, MAZUREK of Rockland.

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

Bill "An Act To Continue Limited Entry in the Scallop Fishery" (EMERGENCY)

(H.P. 274) (L.D. 348)

Sponsored by Representative KRUGER of Thomaston.

Cosponsored by Representatives: CHAPMAN of Brooksville, KUMIEGA of Deer Isle, OLSEN of Phippsburg, WEAVER of York.

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

Bill "An Act To Control Costs to the Lobster Industry"

(H.P. 297) (L.D. 371)

Sponsored by Representative TILTON of Harrington.

Cosponsored by Senator SULLIVAN of York and Representatives: BURNS of Whiting, PARRY of Arundel, Senators: LANGLEY of Hancock, President RAYE of Washington, TRAHAN of Lincoln.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Repeal the Informed Growth Act"

(H.P. 255) (L.D. 322)

Sponsored by Representative CLARK of Easton.

Cosponsored by Senator HASTINGS of Oxford and Representatives: COTTA of China, CROCKETT of Bethel, HAMPER of Oxford, HARVELL of Farmington, PRESCOTT of Topsham, SARTY of Denmark, WILLETTE of Mapleton, WILLETTE of Presque Isle.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect State Senators by County

(H.P. 262) (L.D. 329)

Sponsored by Representative SIROCKI of Scarborough.

Cosponsored by Representative COTTA of China and Representatives: O'CONNOR of Berwick, PARKER of Veazie, SANDERSON of Chelsea.

Bill "An Act To Modernize the Functions of County Government"

(H.P. 271) (L.D. 345)

Sponsored by Representative KRUGER of Thomaston.

Cosponsored by Representatives: DILL of Cape Elizabeth, GRAHAM of North Yarmouth, Senator: BARTLETT of Cumberland.

Bill "An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters"

(H.P. 295) (L.D. 369)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: BENNETT of Kennebunk, COTTA of China, KNAPP of Gorham, McKANE of Newcastle, MORISSETTE of Winslow, PARRY of Arundel, PLUMMER of Windham, SANDERSON of Chelsea.

Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

(H.P. 318) (L.D. 392)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Representative KRUGER of Thomaston, Senator FARNHAM of Penobscot and Representatives: KNIGHT of Livermore Falls, NEWENDYKE of Litchfield, PICCHIOTTI of Fairfield.

TAXATION

Bill "An Act To Exempt from the Income Tax Military Death Payments and Employment-based Retirement Income of Persons Who Are 65 Years of Age or Older"

(H.P. 284) (L.D. 358)

Sponsored by Representative HARMON of Palermo.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: DION of Portland, JOHNSON of Greenville, KNIGHT of Livermore Falls, NASS of Acton, PILON of Saco, RICHARDSON of Carmel, VALENTINO of Saco, Senator: TRAHAN of Lincoln.

Bill "An Act To Clarify Charitable Status for Property Tax Exemption"

(H.P. 323) (L.D. 405)

Sponsored by Representative TILTON of Harrington.

Cosponsored by Senator LANGLEY of Hancock and Representatives: BURNS of Whiting, MALABY of Hancock, PRESCOTT of Topsham, Senator: TRAHAN of Lincoln.

Bill "An Act To Eliminate the Annual Indexing of Fuel Tax Rates" (EMERGENCY)

(H.P. 309) (L.D. 383)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator THOMAS of Somerset and Senator: COLLINS of York.

Committee on **TAXATION** suggested.

On motion of Representative KNIGHT of Livermore Falls, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act Concerning Motorcycle Safety"

(H.P. 277) (L.D. 351)

Sponsored by Representative BEAUDOIN of Biddeford.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BEAVERS of South Berwick, BICKFORD of Auburn, BRIGGS of Mexico, BURNS of Whiting, CASAVANT of Biddeford, HOGAN of Old Orchard Beach, MAKER of Calais, RICHARDSON of Warren.

Resolve, To Improve the Intersection of Route 1 and Manktown Road in Waldoboro

(H.P. 280) (L.D. 354)

Sponsored by Representative DOW of Waldoboro.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: RICHARDSON of Warren, SANDERSON of Chelsea, Senator: RECTOR of Knox.

Bill "An Act To Repeal Motor Vehicle Inspection Requirements"

(H.P. 283) (L.D. 357)

Sponsored by Representative DAMON of Bangor.

Cosponsored by Senator THOMAS of Somerset and Representatives: BLACK of Wilton, CELLI of Brewer, JOHNSON of Eddington, JOHNSON of Greenville, PARKER of Veazie, RICHARDSON of Warren, WINTLE of Garland, WOOD of Sabattus.

Bill "An Act Pertaining to Railroad Crossing Fees"

(H.P. 291) (L.D. 365)

Sponsored by Representative CLARK of Millinocket.

Bill "An Act To Amend the Laws Regarding Noncommercial Foreign Vessels"

(H.P. 293) (L.D. 367)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York.

Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Modify Vehicle Inspection Fees"

(H.P. 296) (L.D. 370)

Sponsored by Representative MOULTON of York. (BY REQUEST)

Bill "An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension"

(H.P. 303) (L.D. 377)

Sponsored by Representative CHIPMAN of Portland.

Cosponsored by Senator MASON of Androscoggin and Representative: WOOD of Sabattus.

Committee on **TRANSPORTATION** suggested.

On motion of Representative CEBRA of Naples, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, ordered printed and sent for concurrence.

Resolve, To Study the Sustainability of the Harness Racing Industry (EMERGENCY)

(H.P. 326) (L.D. 408)

Sponsored by Representative GRAY of Palmyra.

Cosponsored by Representatives: BLACK of Wilton, CEBRA of Naples, GIFFORD of Lincoln, McFADDEN of Dennysville.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested.

On motion of Representative BEAULIEU of Auburn, **TABLED** pending **REFERENCE** and later today assigned.

Pursuant to Statute

Public Utilities Commission

Representative FITTS for the **Public Utilities Commission** 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 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 264) (L.D. 331)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative **HAMPER** for the **Department of Environmental Protection** 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 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 329) (L.D. 411)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative **HAMPER** for the **Department of Environmental Protection** 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 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 330) (L.D. 412)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Health and Human Services

Representative **STRANG BURGESS** for the **Department of Health and Human Services** 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 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 265) (L.D. 332)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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:

In Memory of:

Craig W. Holland, a longtime resident of Bucksport. Mr. Holland was born in White Plains, New York and received his degrees from the University of Georgia. He worked for the Maine Department of Labor for over 25 years as a Senior Regional Area Economic Research Analyst, helping communities in Northern and Downeast Maine with his expert knowledge of the northern Maine economy. Over the years, his efforts to provide job seekers, businesses, local governments and economic and workforce development agencies with labor market information earned him the respect of his coworkers and the gratitude of the Maine Department of Labor. Mr. Holland was also widely known at the state and national level for his expert knowledge of the logging industry and was Coordinator for the annual Northeast Regional Woods Wage Survey for Maine, New Hampshire and Vermont. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 39)

Presented by Representative **BOLDUC** of Auburn.

Cosponsored by Senator **FARNHAM** of Penobscot, Representative **DAMON** of Bangor, Representative **STEVENS** of Bangor, Representative **PARKER** of Veazie, Representative **GOODE** of Bangor, Representative **ROSEN** of Bucksport, Senator **ROSEN** of Hancock.

On **OBJECTION** of Representative **BOLDUC** of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Veterans and Legal Affairs

Pursuant to Public Law 2009

Representative **BEAULIEU** for the **Joint Standing Committee on Legal and Veterans Affairs** on Bill "An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue"

(H.P. 319) (L.D. 393)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Public Law 2009, chapter 571, Part FFF, section 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 86) (L.D. 100) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-2)

On motion of Representative FLOOD of Winthrop, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-2) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of Committee Amendment "A" (H-2) and later today assigned.

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 Thursday, February 3, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"

(S.P. 82) (L.D. 273)

- In Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

TABLED - February 3, 2011 (Till Later Today) by Representative **PRESCOTT** of Topsham.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-2) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011" (**EMERGENCY**)

(H.P. 86) (L.D. 100)

Which was **TABLED** by Representative FLOOD of Winthrop pending **ADOPTION** of Committee Amendment "A" (H-2).

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is not my nature to talk for very long periods and since LD 100 as amended to the supplemental budget is in fact a consent calendar item, it would seem that not much time would be needed to explain it.

Yet many items in LD 100 as amended needed to be adjusted to ensure the necessary emergency passage support of this body. So I will explain the actions taken in the last days of our preparation so that the members of this body are comfortable with knowing what took place and the results of those actions, and I hope this is helpful. And I hope my voice lasts.

I want to start by stating that, first of all, there was very strong agreement by the Appropriations Committee from the beginning to support our Executive in his chief objective of making payments to hospitals. This body and the other body have worked over the last several years in step with that objective with the previous administration and we're pleased to continue in that spirit, especially now when funds have clearly become available and matching rates with the Federal Government are favorable. This was a more difficult task in recent years during the recession. We fully concur with the Executive Branch and the importance of this primary budget objective. In fact, the amended version of LD 100 before you provides 191,000 more dollars to hospitals than the original Governor's Bill. It is the right thing to do and we spent many hours in our committee finding innovative ways to protect that objective as new needs surfaced to compete for those hospital funds as the budget process neared the finish line. It is never simple. There are always unanticipated needs in all budgets and we hope that we've fulfilled those new needs to the satisfaction of the Executive and the Legislative Branches, as well as the primary concern we all shared for hospitals, which we fulfilled in its entirety, and more, as requested by the Chief Executive.

As we entered the last two days of budget negotiations, this was the situation. We had several known remaining issues that required funding. There was one that seemed most critical in the area of taxation. Going into the final negotiations during Friday, members of the Tax Committee and many members of this body made it crystal clear that their support for a supplemental budget would hinge on the Legislature's ability to provide some form of favorable support to municipalities. There were varying proposals, but all proposals by the Tax Committee insisted on some form of favorable activity and revenue sharing. Appropriations Committee members listened to that objection and supported with minimal change the Majority Report proposal of the Tax Committee to release \$1 million of revenue sharing funds previously proposed by the Executive Branch to remain in the General Fund. The A&FA Committee also agreed to eliminate the language in the budget that kept the revenue sharing potential for municipalities during the fiscal year. This was a very difficult issue for the committee because the Executive Branch felt very differently and strongly about this issue. In the Appropriations Committee's opinion, revenue sharing changes were essential for passage of this bill. We felt it was our duty to ensure that the budget receive the necessary two-thirds majority for emergency passage. The Appropriations Committee vote on revenue sharing, like all individual votes taken by the Appropriations Committee on this budget, was unanimous. I want to repeat this for your understanding. Every single vote taken by the committee over one and a half weeks supporting the budget together was unanimous.

I want to speak to other issues needing resolution in the last days. We also learned that there was another separate overdue hospital payment of \$191,000 due Maine General, and we also learned that we needed to find a way to fund an additional amount of \$300,000 to the Maine Indigent Legal Services Commission. Neither of those two concerns were supported in the Executive's budget, perhaps because adequate information may not have been available at the time that LD 100 was developed. Certainly time was of the essence, but the hearings

we held on those issues were illuminating.

Other issues requiring funding surfaced in the final days of preparing this budget. There are always last minute issues that come up during the budget process. Late or not, welcomed or not, they had to be addressed and decisions regarding funding had to be made. These issues were: First, the School Breakfast Program required \$50,000, and we funded it. There was a request to repeal the previously budgeted sale of a Maine Forest Service helicopter of \$400,000, and we addressed it appropriately. There was a request to fund a portion of the State Planning Office Regional Planning Grants Program for \$100,000, and we funded it. There was a request for \$800,000 to \$1.2 million for Maine Dairy Stabilization, and after considerable discussion and searching for funding sources, we found funds to appropriate \$600,000. And there was a minor request for \$17,000 for the Maine State Treasury Department, which we honored. The total cost of all these known and new issues requesting funding was in the range of \$2.9 to \$3.3 million, of which we funded \$2.66 million.

Also, the Appropriations Committee needed to act on several items that could have impacted funding. They were the Doctors for Maine's Future program, a new gambling control board initiative from the Executive Branch, a proposed reduction in the Governor's Training Initiative, and many items of tax conformity. Regarding the Doctors for Maine's Future, we accepted the \$125,000 reduction proposed by the Executive with amended language that clarified legislative support for the program, with agreement for funding it back to its original planned amount in the biennium. We queried the Finance Authority of Maine several times and received assurances that there will be no impact on any medical student applicant in any potential way until 2016 at the earliest, and our proposed language would even eliminate that potential impact. Regarding the new gambling control board initiative brought forth by the Chief Executive, this was revised several times on Friday and the Appropriations Committee accepted the final Veterans and Legal Affairs Committee approved version, which has no fiscal impact on the budget, while providing the necessary funding from Special Revenues for necessary gambling oversight at the proposed Oxford Casino. No budget impact. Regarding the proposed reduction in the Governor's Training Initiative, we agreed with the Chief Executive's proposal and the unanimous LCED Committee Report to reduce GTI funding by \$107,000. And regarding tax conformity, the Appropriations Committee agreed unanimously to accept the Chief Executive's tax conformity proposals brought to us by the Tax Committee Majority Report. And of course, we had several controversial issues remaining that were nonfinancial in nature. They were Parts W1 and W2 that dealt with Child Development Services. We voted these items out of the budget unanimously because they did not have an immediate fiscal impact and needed further time for a full discussion of their implications. There was a commissioner position proposed by the Chief Executive. We voted it in unanimously. There was Part T language, MaineCare eligibility determination timeframe for persons with special needs. We voted it out unanimously, leaving the current eligibility determination timeframe at 45 days. Clearly this is a complex issue and we hope that when it resurfaces, the Health and Human Services Committee will be allowed more time for fruitful discussion. Part G language dealt with the Fund for a Healthy Maine accounting. We amended it through a subcommittee that developed new budgetary language postponing the actions of deepest concern, and we then voted it in as amended unanimously. And Part X language, this was a courthouse maintenance funding process change that proposed to authorize the Judiciary to utilize maintenance funds only after

all budgeted revenues were captured. We voted that out unanimously.

We found the funds for these various activities from different sources. The Pesticides Control Board, the Agricultural Marketing Loan Fund, various Debt Service reduction activities, the Fire Suppression Fund, the Solid Waste Management Fund. And we also, as an amendment to the Governor's Bill, we are proposing transferring to the Stabilization Fund \$700,000 rather than \$1.1 million. Having done all that, we were still \$98,000 short, and therefore, we reduced the revenue sharing municipal transfer downward by \$100,000 from the \$1.1 recommended by the Majority Report of the Tax Committee to \$1 million, leaving us with a final ending budget balance of \$129,326. This leaves us with a budget that is in balance and supported in all cases by the Appropriations Committee.

We concluded our work by amending the Chief Executive's proposed budget approximately 20 times during the past several weeks to address new issues that came before us and to achieve changes we believed would yield the required consensus for two-thirds legislative acceptance for the Executive. At 11:30 Friday evening in the Appropriations Committee, I moved LD 100 as amended. This motion was seconded by the lead Democrat committee member, the Representative from Lewiston, Representative Rotundo. The vote was 13-0 in support and was the last of our unanimous votes. There.

Now I wanted to thank all the House members for your hard work. The members of this body took that work very seriously. You gave us necessary feedback to move expeditiously. Many committees finished their work ahead of time, and despite weather-related postponements, we are able to have this discussion today on time. I want to thank all the members of this body. Your work was valued, important, extremely helpful. I want to thank you, Mr. Speaker, for your guidance, and I want to thank the House Majority leaders and the House Minority leaders and their assistants and staffs for the collaboration and support. You let us do our work. I want to repeat that. You let us do our work. Thank you very much, and I hope we delivered to you a worthy product.

I also want to thank Commissioner Millett for giving us a clear document as a starting point and Acting Commissioner Low for his knowledge and support in the budget preparation. Grant Pennoyer, Maureen Dawson, the entire staff of OFPR and OPLA worked overtime to meet the necessary and aggressive schedule that we have. Of course our committee disagreed on items, yet we eventually found ways to resolve them. And I wanted to say, as previous Appropriations Committees have done under able, very able previous leadership, we tried our best to find the best answers to the problems we faced. Each member brought unique skills to our deliberations and I am grateful for their expertise, and I am proud of the strong work ethic and collaborative spirit they exhibited to do the work of the state. I am very honored to work with my teammates and the Republican caucus on this committee, and with the Representative from Lewiston, Representative Rotundo, and her Democrat caucus members. I believe the people of Maine expect us to work together this way.

I would like to close with this. All of our processes in the Legislature are carefully designed to ensure courteous, respectful dialogue in agreement or in disagreement. Mr. Speaker, you and our legislative leaders are very skilled in this regard. And our committees also demonstrated a very respectful approach to their work. In the waning hours of budget preparation, it can be difficult to stay focused on the task at hand. There are many potentially polarizing points of view between the caucuses and the branches of government. It has been that way forever. The

best thing we can do as Representatives of the state in those circumstances is to lean on each other for support, learn from our experiences, trust each other, keep our objectives in focus to get the best possible job done for the people.

I recently wrote a column for my local newspaper and I concluded it by suggesting that the greatest attribute that any of us could have in this legislative session was patience. Patience. Just look around us. In this great building we have many new legislators, all new presiding officers, a new Chief Executive, new Executive Branch staff, new caucus, all new committee chairs, new commissioners, and, above all, new ideals. Surely the time is right for things to perhaps go awry and for misunderstandings to develop. I hope that it is also a time to forge new relationships to move our state forward. I noted in the closing hours of the development of a document as important and far-reaching as the state budget, the opportunities for differences are abrupt and abundant. I have tried and will continue to try to lead our committee with dignity and respect through these differences, so that the important processes of developing and funding state policy goes smoothly and diligently and as respectfully as possible. I pledge my support to this body, to the Chief Executive and to the people of Maine to do my best to meet your expectations. Mr. Speaker, when the vote is taken, I request that it be a roll call. Thank you, Mr. Speaker, and thank you, Ladies and Gentlemen of the House.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-2)**.

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

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to urge you to support the amended supplemental budget that is before you. The work of the Appropriations Committee involves problem solving. When we do our work well, we figure out together in a bipartisan manner the ways to address the concerns that have come to us from the legislative oversight committees, as well as from our caucuses. Our job is to figure out how to keep what works for fellow legislators and how to eliminate or redo what doesn't work. I believe we have done our job in the amended bill before you and have addressed most, in not all, of the major concerns that the legislative oversight committees brought to us. For example, we have continued the bipartisan work of the past Chief Executive and Legislatures by paying down more of the debt to the hospitals. We are sending more money back to our local communities through revenue sharing, and we are making sure critically needed services, like the Home Visiting Program and other programs that receive funding through the Fund for a Healthy Maine, are held harmless through the end of this fiscal year.

I want to thank all of the legislative oversight committees for their help with the proposed budget. I also want to thank the Representative from Winthrop, Representative Flood, for his wonderful integrity and leadership as he led us through the past few months in the budget process. Past few weeks I should say. It sometimes seems like months. I also want to thank all of our colleagues on Appropriations for their hard work in figuring out solutions to the issues that were brought to us by legislators. Finally, I want to thank the staff in the Office of Fiscal and Program Review and the Revisor's Office, who spent Super Bowl Sunday working hard on this document before you so that we would be able to vote on it today. I ask all of you in this chamber to join me in supporting LD 100 as amended. Thank you very much.

Representative **EBERLE** of South Portland **PRESENTED House Amendment "A" (H-3) to Committee Amendment "A" (H-2)**, which was **READ** by the Clerk.

The **SPEAKER**: 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 rise with absolute respect and appreciation for the work that the Appropriations Committee has done and the documents that are before us with the supplemental budget. It was extraordinary work and every long day and long hour that they spent doing it has my complete and total regard. However, I need to make a statement for my communities of South Portland and Cape Elizabeth in terms of the revenue sharing piece. There are, as South Portland in particular is one of the service center communities, it takes an especially big hit when the revenue sharing doesn't come as it's expected. Between South Portland and Cape Elizabeth, over the past two, the 124th and this Legislature, Cape Elizabeth, their loss amounted to \$259,000 and South Portland's is \$732,000. South Portland sends \$800 million a year to Augusta in sales tax and gets back \$1.6 million in revenue sharing. We have to support all the infrastructure to make sure that the visitors to our area have roads to drive on, fire and police response for when they are visiting South Portland. So it is hard when there is a surplus, the communities know that when there is not, there won't be any revenue to share, but they expect that when there is, there will be that sharing. In this particular case, there was, and I feel very strongly that there should have been the \$3 million in the revenue sharing for my two communities and other service center communities. I also understand the political reality of this, but I have to rise to make a statement for my communities.

My proposal is simply to take \$2 million from the hospital payments and transfer it to the revenue sharing so that this could assure that the citizens of my communities won't be footing a bill in increased local taxes for the loss of revenue. Thank you, Mr. Speaker.

Representative **FLOOD** of Winthrop moved that **House Amendment "A" (H-3) to Committee Amendment "A" (H-2) be INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand the frustration expressed by the sponsor of the amendment and the desire to make a strong statement, and I want to ensure the Representative from South Portland, Representative Eberle, that this subject was reviewed perhaps more than any other issue during our deliberations. I know that within my caucus, it was the single most important item requiring some degree of change from the Executive's bill. And in the final committee amendment, we provided \$1 million to municipalities not envisioned in the Governor's Bill, and even more importantly for those municipalities, we removed the cap on any uptick in revenue when the Maine Revenue Forecast becomes available. That is, once again, freeing municipalities to participate in any upgrade in the state revenues from individual income tax, corporate income tax, franchise tax, a portion of the service provider tax, in sales and use tax, commonly called revenue sharing. The committee felt very strongly that we needed to support our caucuses and the municipalities with some changes in this regard, and the amount that we could find for this purpose was \$1 million. It would have been inappropriate to actually remove funding from the planned hospital settlements upcoming because of the significant amount of enhanced federal matching funds that would be lost. We did our best to fund many competing needs of a large scale toward

the end of the budget deliberations. Milk stabilization was a significant concern for our rural areas, school breakfasts were important statewide, and funding for our Indigent Services' judiciary needs also needed to be addressed. We believe our decisions resulted in the best use of the scarce resources we had. We do understand the concerns of the amendment sponsor. Mr. Speaker, when the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-3) to Committee Amendment "A" (H-2)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-3) to Committee Amendment "A" (H-2). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 2

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Cebra, Celli, Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Casavant, Chipman, Eberle, Kaenrath, Lovejoy, Morrison, Russell, Shaw.

ABSENT - Dill C, Hanley, Willette M.

Yes, 139; No, 8; Absent, 3; Vacant, 1; Excused, 0.

139 having voted in the affirmative and 8 voted in the negative, 1 vacancy with 3 being absent, and accordingly **House Amendment "A" (H-3) to Committee Amendment "A" (H-2) was INDEFINITELY POSTPONED**.

Representative **GOODE** of Bangor **PRESENTED House Amendment "B" (H-4) to Committee Amendment "A" (H-2)**, which was **READ** by the Clerk.

Representative **FLOOD** of Winthrop moved that **House Amendment "B" (H-4) to Committee Amendment "A" (H-2) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-4) to Committee Amendment "A" (H-2)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-4) to Committee Amendment "A" (H-2). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 3

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Cebra, Celli, Chase, Clark H, Clark T,

Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Harmon, Harvell, Haskell, Hayes, Herbig, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Tuttle, Valentino, Volk, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Berry, Bryant, Casavant, Chapman, Chipman, Eves, Flemings, Goode, Graham, Harlow, Hinck, Hogan, Lovejoy, Mazurek, McCabe, Morrison, O'Brien, Pilon, Rochelo, Russell, Stuckey, Theriault, Treat, Wagner R.

ABSENT - Carey, Curtis, Dill C, Hanley, Willette M.

Yes, 121; No, 24; Absent, 5; Vacant, 1; Excused, 0.

121 having voted in the affirmative and 24 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "B" (H-4) to Committee Amendment "A" (H-2) was INDEFINITELY POSTPONED**.

The **SPEAKER**: A roll call having been previously ordered, the pending question before the House is Adoption of Committee Amendment "A" (H-2). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 4

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wintle, Wood.

NAY - Bryant, Eberle, Harlow, Kaenrath, Morrison.

ABSENT - Carey, Dill C, Hanley, Willette M, Mr. Speaker.

Yes, 140; No, 5; Absent, 5; Vacant, 1; Excused, 0.

140 having voted in the affirmative and 5 voted in the negative, 1 vacancy with 5 being absent, and accordingly **Committee Amendment "A" (H-2) was ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-2)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE PAPERS

Resolve, Directing the Conveyance of Conservation Land in Rockport

(S.P. 107) (L.D. 394)

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

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

Bill "An Act To Authorize a General Fund Bond Issue To Fund LifeFlight"

(S.P. 112) (L.D. 399)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act Regarding County Jail Sentences of Less than 24 Hours"

(S.P. 113) (L.D. 400)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Mandate That the School Year Not Begin before September 1st"

(S.P. 108) (L.D. 395)

Bill "An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair"

(S.P. 110) (L.D. 397)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits"

(S.P. 91) (L.D. 311)

Bill "An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation"

(S.P. 103) (L.D. 341)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Permit Senior Citizens To Designate a 3rd Party To Receive Notice of Cancellation of Insurance Policies"

(S.P. 93) (L.D. 313)

Bill "An Act To Enhance Penalties To Protect Senior Investors"

(S.P. 114) (L.D. 401)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Improve Efficiency and Compliance within the Judicial System"

(S.P. 97) (L.D. 317)

Bill "An Act To Require Consideration of Higher Education for Children during Divorce Deliberations"

(S.P. 98) (L.D. 318)

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

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

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

(S.P. 94) (L.D. 314)

Bill "An Act Relating to the Status of a Private Investigator as an Independent Contractor"

(S.P. 95) (L.D. 315)

Bill "An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances" (EMERGENCY)

(S.P. 96) (L.D. 316)

Bill "An Act To Require Criminal History Record Information for Licensure of Nurses"

(S.P. 111) (L.D. 398)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Amend the Saltwater Recreational Fishing Registry Regarding Unauthorized Landing or Possession of Striped Bass" (EMERGENCY)

(S.P. 99) (L.D. 319)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Authorize Cumberland County To Offer Certain Educational Services"

(S.P. 106) (L.D. 344)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

(S.P. 100) (L.D. 338)

Bill "An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations"

(S.P. 109) (L.D. 396)

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

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

Bill "An Act To Facilitate a Change of Location for Liquor Retailers"

(S.P. 105) (L.D. 343)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

Pursuant to his authority under House Rule 401.1, the Chair assigned Representative BRIGGS of Mexico to seat 13 and Representative RUSSELL of Portland to seat 14, effective Wednesday, February 9, 2011.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Prevent the Spread of Milfoil in the Songo River" (EMERGENCY)

(H.P. 195) (L.D. 242)

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in the House on February 1, 2011.

Came from the Senate **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

On motion of Representative CURTIS of Madison, the House voted to **ADHERE**.

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

ENACTORS
Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

(H.P. 86) (L.D. 100)

(C. "A" H-2)

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

The **SPEAKER**: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative **CURTIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to express my appreciation to all the members of the Appropriations and Financial Affairs Committee, especially Representative Rotundo, Representative Martin, Representative Webster, and Representative Stevens, for their work on reaching a bipartisan, unanimous 13-0 vote out of the committee, and also the unanimous votes as you worked your way through the process to get to this result. I would also like to express my appreciation to the leadership of Representative Cain and Representative Hayes, for their work and their support during this process. It was a job well done. Thank you very much. Mr. Speaker, when the vote is taken, I would request a roll call.

Representative **CURTIS** of Madison **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**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to add my thanks and congratulations and deep appreciation to the hardworking members of the Appropriations and Financial Affairs Committee, and particularly to the House Chair, the Representative from Winthrop, Representative Flood, and the Democratic lead, the Representative from Lewiston, Representative Rotundo. What they managed to accomplish is a process with integrity that is second to none, and, having served in that position in the past, I understand that when you rely on a process that is built on integrity and transparency and bipartisanship, you can weather just about any storm. And this is supposed to be the easy budget. So I appreciate this trial run for this body when it comes to dealing with our state's fiscal challenges, which will not be easier necessarily because of the votes we're taking today.

I want to say that I am so glad that this is where we're starting, that this work is our first major bill and that it is so bipartisan. That not only was the final vote in Appropriations unanimous, but every single vote that led to that vote was unanimous, and I can tell you that does not come without great effort and mutual respect. But I also know that the work that will come ahead will not always look like this at the end, and that's okay. I accept that, and I understand that that is actually in part a very dynamic and appropriate and important part of the work that we do here. But I hope that in those moments when we are at opposite ends of an issue, in those moments where our core beliefs separate us on enactment votes, that we don't forget what we're about to do tonight. We have to remember that this is possible and it is important that we remember that in all of the work that we do, though it may not always end like tonight will.

I would like to extend my appreciation as well to the other members of leadership, both in the other body as well as my colleague, the Representative from Buckfield, Representative Hayes, and the Representative from Hampden, Representative Cushing, the Representative from Madison, Representative Curtis, and all of the committee members, because unanimous votes also don't come without a lot of work from policy committees. And every single one of you should take credit for that. I am glad tonight is here, I will be glad when it is over and we can all move on to what is next, but I would like to say thanks and congratulations, and thank you, Mr. Speaker.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 5

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass,

Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Bryant, Harlow, Kaenrath.

ABSENT - Carey, Dill C, Hanley, Kent, Willette M.

Yes, 142; No, 3; Absent, 5; Vacant, 1; Excused, 0.

142 having voted in the affirmative and 3 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

On motion of Representative FLOOD of Winthrop, the House adjourned at 6:57 p.m., until 10:00 a.m., Thursday, February 10, 2011 in honor and lasting tribute to Craig W. Holland, of Bucksport.