

# 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  
26th Legislative Day  
Thursday, March 24, 2011

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

Prayer by Reverend Don Mayberry, First Congregational Church, South Paris.

National Anthem by Nezinscot Valley Junior Voices, Hartford and Sumner.

Pledge of Allegiance.

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At this point, a message came from the Senate borne by Senator PLOWMAN of Penobscot of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

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Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative CURTIS of Madison to convey this message to the Senate.

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Doctor of the day, Peter Amann, M.D., Scarborough,.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs"

(S.P. 385) (L.D. 1264)

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

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.

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Bill "An Act To Protect Municipalities That Host Wind Energy Developments"

(S.P. 387) (L.D. 1266)

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

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

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

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**Non-Concurrent Matter**

Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"

(H.P. 812) (L.D. 1077)

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in the House on March 15, 2011.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.  
The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Encourage Affordable Housing in Municipal Zoning"

(H.P. 738) (L.D. 1002)

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on March 17, 2011.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.  
The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Reduce Regulations for Residential Rental Property Owners"

(H.P. 889) (L.D. 1198)

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on March 22, 2011.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Expedite the Eviction Process in Certain Types of Cases"

(H.P. 890) (L.D. 1199)

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on March 22, 2011.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 110)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

March 24, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the Committee on Criminal Justice and Public Safety has approved the request by the sponsor, Senator Collins of York, to report the following "Leave to Withdraw":

L.D. 342

An Act To Amend the Laws Governing County Jail Budgeting for York County

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

Subsequently, Representative CURTIS of Madison reported that he had delivered the message with which he was charged.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves 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:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act Pertaining to Retirement Benefits for State Legislators"

(H.P. 956) (L.D. 1304)

Sponsored by Representative PARKER of Veazie.

Cosponsored by Representative LIBBY of Waterboro, Senator MASON of Androscoggin and Representatives: BLACK of Wilton, GUERIN of Glenburn, LONG of Sherman, O'CONNOR of Berwick, OLSEN of Phippsburg, PARRY of Arundel, SIROCKI of Scarborough, WILLETTE of Mapleton.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients"

(H.P. 954) (L.D. 1302)

Sponsored by Representative CLARKE of Bath.

Cosponsored by Representative: DAMON of Bangor.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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**EDUCATION AND CULTURAL AFFAIRS**

Resolve, To Establish a Study Group To Promote the Use of Locally Grown Food in Schools

(H.P. 948) (L.D. 1293)

Sponsored by Representative CORNELL du HOUX of Brunswick.

Cosponsored by Representatives: BERRY of Bowdoinham, FLEMINGS of Bar Harbor, HERBIG of Belfast, HINCK of Portland, ROCHELO of Biddeford, STUCKEY of Portland.

Bill "An Act To Facilitate the Certification of Teachers"

(H.P. 953) (L.D. 1298)

Sponsored by Representative O'BRIEN of Lincolnville.

Bill "An Act To Amend and Clarify Certain Education Statutes"

(H.P. 959) (L.D. 1307)

Sponsored by Representative RICHARDSON of Carmel.

Cosponsored by Senator LANGLEY of Hancock and Representatives: JOHNSON of Greenville, LOVEJOY of Portland.

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

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**ENERGY, UTILITIES AND TECHNOLOGY**

Resolve, To Promote Community Wind Energy Development

(H.P. 946) (L.D. 1291)

Sponsored by Representative CORNELL du HOUX of Brunswick.

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**HEALTH AND HUMAN SERVICES**

Resolve, To Promote Prevention Practices in Oral Health Care

(H.P. 945) (L.D. 1290)

Sponsored by Representative EVES of North Berwick.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FOSSEL of Alna, McCLELLAN of Raymond, O'CONNOR of Berwick, SANBORN of Gorham, STUCKEY of Portland.

Bill "An Act To Impose a 90-day Residency Requirement in Order To Receive State Assistance"

(H.P. 949) (L.D. 1294)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Representatives: BENNETT of Kennebunk, HARVELL of Farmington, LIBBY of Waterboro, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, SIROCKI of Scarborough.

Bill "An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy"

(H.P. 951) (L.D. 1296)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator TRAHAN of Lincoln and Representatives: CELLI of Brewer, CHIPMAN of Portland, CRAFTS of Lisbon, HARVELL of Farmington, MALABY of Hancock, MORISSETTE of Winslow, O'CONNOR of Berwick, SIROCKI of Scarborough.

Bill "An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner"

(H.P. 955) (L.D. 1303)

Sponsored by Representative FITTS of Pittsfield.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act Relating to the Qualifications for the Position of Municipal Officer"

(H.P. 952) (L.D. 1297)

Sponsored by Representative COTTA of China.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: FOSSEL of Alna, FOSTER of Augusta, MORISSETTE of Winslow, SANDERSON of Chelsea, TUTTLE of Sanford.

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**TAXATION**

Resolve, To Establish a Study Group To Examine the Taxation by Municipalities of Renewable Energy Facilities' Property

(H.P. 947) (L.D. 1292)

Sponsored by Representative CORNELL du HOUX of Brunswick.

Cosponsored by Representatives: FLEMINGS of Bar Harbor, HERBIG of Belfast, ROCHELO of Biddeford, STUCKEY of Portland.

Bill "An Act To Amend the Process of Resolving Property Tax Abatement Disputes"

(H.P. 950) (L.D. 1295)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representatives: FOSTER of Augusta, GILLWAY of Searsport, HARMON of Palermo, WINTLE of Garland.

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**TRANSPORTATION**

Bill "An Act To Require the Correct Motor Vehicle Registration for Antique Autos and Custom Vehicles"

(H.P. 958) (L.D. 1306)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator COLLINS of York and Representative: CEBRA of Naples.

**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution"

(H.P. 957) (L.D. 1305)

Sponsored by Representative LIBBY of Waterboro.  
Cosponsored by Senator BARTLETT of Cumberland and Representatives: CEBRA of Naples, CRAFTS of Lisbon, GIFFORD of Lincoln, HINCK of Portland, McCABE of Skowhegan, O'CONNOR of Berwick, SIROCKI of Scarborough, Senator: JACKSON of Aroostook.

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

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**ORDERS**

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 16)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused March 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph Chapman of Brooksville be excused March 16 and 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patrick S. A. Flood of Winthrop be excused March 16 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron F. Libby of Waterboro be excused March 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wesley E. Richardson of Warren be excused March 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Linda F. Sanborn of Gorham be excused March 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Meredith N. Strang Burgess of Cumberland be excused March 15, 16 and 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard V. Wagner of Lewiston be excused March 16 for health reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Mark Alan Sanborn, of Brownville and Ebeemee Pond, who was an active member of the Brownville and Penobscot Nation communities. He was born in Milo and graduated from Penquis Valley High School and the University of Maine at Machias. Mr. Sanborn received his Master of Education degree from the University of Maine. He was a proud member of the Penobscot Nation, and a tribal employee for 25 years. Mr. Sanborn touched many people with his intelligence, his wonderful sense of humor, his vast knowledge of and taste in music, and by sharing his love of Ebeemee Pond. He volunteered for Project Linus and was a member of the Penquis Valley High School Alumni Association. An instrumental leader in education for the Penobscot Nation and an exceptional and humble person, Mr. Sanborn will be greatly missed by the entire Penobscot Nation tribal community;

(HLS 199)

Presented by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator THOMAS of Somerset, Representative JOHNSON of Greenville.

On **OBJECTION** of Representative MITCHELL of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Jane P. Cushing, on the occasion of her 80th birthday, March 23, 2011

(HLS 195)

TABLED - March 23, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **PASSAGE.**

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. One of the many privileges afforded us in this body is the opportunity to rise and pay homage to those who have served our state and their communities. It is a special pleasure to me today to stand before you and provide a little background on the recipient of this sentiment. I have the great honor of being her oldest son, whom she bore almost 52 years ago this May, and it is through her and my father's guidance and their upbringing that I come before you today as a member of this body. I certainly hope that I represent well some of the principles that they instilled in me of hard work, value and respect. I also feel, as we stand here today, it gives us that great opportunity to pause and do things that make us reflect on the importance of our actions. One which is no greater than others is one of those commandments that asks us to honor our mothers and fathers, and today I take great pleasure in being able to stand here and give back some appreciation to her for the many years of service, and I thank the body for your time.

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 Happy Birthday wishes to Mrs. Cushing. When we attend meetings in the Bangor area, and I attend many with the good Representative from Hampden, it is not uncommon that both of his parents but usually his mother attends and offers her thoughts, offers her opinions, and it's no wonder that all of her children have taken on different aspects of public service in many ways. I just wanted to add my congratulations and Happy Birthday on the occasion of her 80th. Thank you, Mr. Speaker.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

(H.P. 41) (L.D. 48)

Signed:

Senators:

THIBODEAU of Waldo  
RECTOR of Knox

Representatives:

FITTS of Pittsfield  
CRAY of Palmyra  
DUNPHY of Embden  
HAMPER of Oxford  
LIBBY of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-38)** on same Bill.

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

BEAVERS of South Berwick  
CORNELL du HOUX of Brunswick  
DION of Portland  
HINCK of Portland  
LUCHINI of Ellsworth

**READ.**

Representative FITTS of Pittsfield moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 48, as the title says, is "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls." It is a consumer protection measure, a modest but useful consumer protection measure. It was brought forth by the good Representative from Winthrop, and in our committee, Energy, Utilities and Technology, we heard a story that motivated the presentation of this bill. I thought the story was compelling. It concerned a call placed by Andrew Olsen of Readfield. Mr. Olsen was driving on the highway, I-295, and had to stop in Topsham. He said he had a family emergency. It wasn't a 911 emergency, it was a family emergency. He found a payphone off the highway and he placed a call to his wife. An automated voice came on the line and instructed him to provide a credit card. His wife actually provided the credit card number. He and his wife had a 30 second call; I believe it was Topsham to Readfield. He checked and found out that day that the credit card showed a \$5 charge, all was good. Two days later, the same credit card showed a \$28.37 charge from the same entity, ILD Teleservices. Mr. Olsen thought that maybe his credit card number had been intercepted and that somebody was using it, so he made some calls to reach ILD Teleservices and he finally got to a human being, a woman finally took his call, and she explained that those were the correct charges. She didn't have an explanation why it came in two different charges, but the total was correct, \$32.37, for this 30 second call from Topsham to Readfield, completed because of an emergency. I think many of us thought this could happen to anybody, and, doing a little checking since, I found out that this does happen. We use a

payphone today, if you happen to have enough quarters the charge may be lower, but if you don't and you try to reverse the call or you make it on a credit card, the charges can be what many people would consider quite large.

The bill did not seek to change the charges. It did not seek to cap the charges. Mr. Speaker, the bill merely requires that the person making such a call has the opportunity to learn how much the charges would be before the call goes through. Mr. Olsen's story is interesting further because as he was talking to the woman from ILD Teleservices, she revealed to him that they do provide that information to other callers. And he said, "Why not to me?" She said, "Well, you didn't place an interstate call, you placed a call within Maine." If it is an interstate call, it is controlled by the FCC and we have to give that information to the caller. She even said "If you were in another state you would have gotten that information." She said, "For example, we give that information to callers in West Virginia but not in Maine." Mr. Olsen said, "Why not in Maine?" She said, "Because your state doesn't require it." So the bill that he had introduced is as simple as that. It would be just to join other jurisdictions. There was actually probably something that was a little off about the original bill. The way it ended up being worded, the direction to require this information would have gone to the company that provides the hardware of the payphone. As it turns out, that company can be FairPoint or others. They don't control the charges. The way the telecommunications work, they wouldn't even know that that call was being placed by ILD Teleservices. So we got good advice, we had all the parties together that were interested, telephone companies were represented, and the bill was revised and became a resolve, and the directions were made to the appropriate party that they would comply with substantially the same provisions that are in FCC rules in Maine and offer this information to the consumer. The service provider would audibly identify itself and disclose upon a request, a quotation, so they don't even have to automatically make the quotation. They basically do something like the automated voice says "Press 1 and you will learn how much the charges are." If you're not interested you don't have to press 1, your call goes through. If you are interested you press 1 and you learn this information. Under almost any principles of a good, properly functioning market, information is a key component of it. Consumers, once informed, make up their own minds, but the key thing is the consumer has to be informed. That's what this bill does. So Mr. Speaker, I am a little surprised to be here today speaking on a measure that had this provenance and came to us in this way. It seems like a common sense measure to give people in Maine the same information that people in other states would have when they place a call on a payphone and face what some people might consider to be substantial charges. All it requires is that they be informed of what those charges are. I encourage people to vote against the pending motion and eventually in favor of the bill itself.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker. I apologize if I'm a bit awkward here, but I'm sure the other freshmen will experience this as well. Men and Women of the House, I want to say that when this bill first came to our attention, I opposed it. I thought indeed it was an unnecessary regulation on a small business person and as the committee meetings unfolded and I paid attention to the facts, I came to a different conclusion. Long ago, I sat in an interrogation room with a business person, and his attorney was there and I presented the case facts to them, and said "Sir, I believe you're a thief." His attorney said "Lieutenant, I caution you that my client is simply engaged in a

financial misadventure." A financial misadventure. I am a simple person, I believe in common sense and I walked out of that room and said "He's still a thief." And that's what we're talking about here today. It's not a technology bill. Actually, it would have been better suited for the Committee on Criminal Justice and Public Safety, because, if we do not act appropriately here today, we allow the worst kind of thief to do his work. He will reach into the people's pocket, take money from their wallet, look them in the eye and say I dare you. I dare that you do something about this. This unfortunate misadventure. I was struck by the citizen's experience and if we do believe in protecting the people's interests, then we should pass the Minority Report. Thank you.

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

**ROLL CALL NO. 12**

YEA - Bennett, Bickford, Black, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Dow, Dunphy, Edgecomb, Espling, Fitts, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Keschl, Libby, Long, McClellan, McFadden, Morissette, O'Connor, Olsen, Parker, Picchiotti, Plummer, Richardson W, Rioux, Sanderson, Sarty, Tilton, Turner, Waterhouse, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clarke, Cotta, Davis, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McKane, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Parry, Peoples, Peterson, Pilon, Prescott, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Timberlake, Treat, Tuttle, Valentino, Volk, Wagner R, Weaver, Webster, Welsh, Willette M, Wintle.

ABSENT - Beaudoin, Briggs, Burns DR, Celli, Cornell du Houx, Dill C, Harvell.

Yes, 45; No, 99; Absent, 7; Excused, 0.

45 having voted in the affirmative and 99 voted in the negative, with 7 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

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

The Bill was READ ONCE. Committee Amendment "A" (H-38) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, March 29, 2011.

Majority Report of the Committee on STATE AND LOCAL GOVERNMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-36) on Bill "An Act To Provide Seniors with Access to State Forms"

(H.P. 110) (L.D. 128)

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York  
SULLIVAN of York

Representatives:

COTTA of China  
BOLAND of Sanford  
BOLDUC of Auburn  
CASAVANT of Biddeford  
GILLWAY of Searsport  
GRAHAM of North Yarmouth  
HARVELL of Farmington  
KAENRATH of South Portland

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

Signed:

Representatives:

CELLI of Brewer  
MOULTON of York

READ.

On motion of Representative COTTA of China, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-36) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, March 29, 2011.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 203) (L.D. 622) Bill "An Act To Permit the Display of the National Emergency Service Medal on Registration Plates of Recipients" Committee on TRANSPORTATION reporting Ought to Pass

(H.P. 108) (L.D. 126) Bill "An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives" Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-40)

(H.P. 125) (L.D. 142) Bill "An Act To Improve Party Status Requirements" Committee on VETERANS AND LEGAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-41)

(H.P. 184) (L.D. 231) Bill "An Act To Ensure the Integrity of Laws Governing Clean Elections by Amending Provisions Regarding Equipment Repurchase" Committee on VETERANS AND LEGAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-39)

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 59) (L.D. 209) Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program (C. "A" S-10)

(S.P. 168) (L.D. 576) Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds 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) (C. "A" S-9)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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**BILLS IN THE SECOND READING**  
**House as Amended**

Bill "An Act To Designate the Whoopie Pie as the State Dessert"

(H.P. 59) (L.D. 71)  
(H. "A" H-20 to C. "A" H-8)

Bill "An Act To Modernize and Reduce the Cost of Driver Education"

(H.P. 178) (L.D. 201)  
(C. "A" H-12)

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

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**ENACTORS**  
**Emergency Measure**

An Act Relating to Standardbred Horse Breeding

(H.P. 55) (L.D. 67)  
(C. "A" H-9)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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At this point, the Senate came and a Joint Convention was formed.

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**In Convention**

The President of the Senate, the Honorable Kevin L. Raye in the Chair.

The Convention was called to order by the Chair.

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On motion by Senator COURTNEY from York, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Honorable Paul R. LePage, Governor of the State of Maine, the Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was **READ** and **PASSED**.

The Chair appointed the following:

The Senator from Oxford, Senator Hastings  
The Senator from Cumberland, Senator Woodbury  
The Senator from Cumberland, Senator Bliss  
The Representative from Acton, Representative Nass  
The Representative from Bridgton, Representative Waterhouse  
The Representative from Auburn, Representative Beaulieu  
The Representative from Denmark, Representative Sarty  
The Representative from York, Representative Moulton

The Representative from Augusta, Representative Foster  
The Representative from Brunswick, Representative Priest  
The Representative from Cape Elizabeth, Representative Dill  
The Representative from Augusta, Representative Maloney  
The Representative from Biddeford, Representative Rochelo

Subsequently, Representative NASS from Acton, for the Committee, reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, the Honorable Paul R. LePage, Governor of the State of Maine, and the Honorable members of the Judiciary would attend forthwith.

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The Chair welcomed to the Convention the Honorable members of the Judiciary.

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The Chair recognized the Justices of the Maine Supreme Judicial Court: Associate Justice Jon D. Levy, Associate Justice Ellen A. Gorman, and Associate Justice Joseph M. Jabar. The Chair also recognized the Chief Justice of the Superior Court, the Honorable Thomas E. Humphrey; the Chief Judge of the District Court, the Honorable Charles C. LaVerdiere; and Deputy Chief Judge of the District Court, the Honorable Robert E. Mullen.

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The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by Governor Paul R. LePage.

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The Chair recognized in the House Gallery: William E. Saufley, Esq., husband of Chief Justice Saufley; Richard and Janet Ingalls, parents of the Chief Justice Saufley; Active Retired Justice Robert W. Clifford, of the Supreme Judicial Court; Chief Judge Eric M. Mehnert, of the Penobscot Tribal Court; James T. Glessner, State Court Administrator; and Mary Ann Lynch, Director of Information for the state courts.

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The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Thank you so much. Good morning, and thank you, President Raye. Good morning Governor LePage, Speaker Nutting, members of the 125th Maine Legislature, members of the Court, colleagues from other Benches, and, as always, my supportive family.

It is an honor to present this report on the State of Maine's Judiciary in 2011. I am pleased to be joined here this morning by members of the Law Court and the Trial Court Leadership. I know that you have greeted them, but I want you to know how hard they work to accomplish what we have to get done in any year, and I am going to take this opportunity to introduce them again. I do want you to note as they stand, I don't think this is a gender issue but you will note that every one of the men I am about to introduce has a red tie on. The question is, did they call each other this morning or were they able to accomplish this by email? I don't have the answer. I begin, and I will ask you to hold your wild applause until they are all standing. Justice Jon D. Levy in a very conservative red tie, Justice Ellen Gorman who did not receive the call, Justice Joseph M. Jabar of Waterville and Justice Jabar served in the 118th and 119th Maine Legislatures. And the trial court leadership: Chief Justice Thomas E. Humphrey of Sanford, Chief Judge Charles C. LaVerdiere of Wilton and formerly of the 118th, 119th, and 120th Maine Legislatures, and

Deputy Chief Judge Robert E. Mullen of Waterville.

Along with Ted Glessner, who many of you know, and my colleagues who weren't able to join us this morning, this is the group of people who make the day-to-day and year-to-year decisions regarding the administration of justice in Maine. I am very grateful to Maine's Governors who have understood how very important it is to have hardworking, ethical, and innovative jurists to guide the Judicial Branch, and I am pleased to hear that Governor LePage has already begun the process of assuring that high quality candidates will be presented to you for confirmation to the Maine Bench.

This is the tenth year that you have offered me the opportunity to update you on the delivery of justice in Maine. Now I know you're all saying surely not 10 years, she hasn't aged a bit, and because none of you are under oath here this morning you should feel free to say that to me later this morning. But I want you to know I never take this opportunity for granted.

We are all charged with remembering that the very first purpose of Maine's Constitution is "to establish justice." The collegial and collaborative efforts of Maine's separate branches of government have made all the difference in our capacity to establish justice during these last many hard economic years, and your attention to your constituents' justice-related needs means that scarce resources are used for the very best value we can obtain. I thank all of you, every one of you, for caring about access to justice, and for reaching out to us with ideas, concerns, and proposals.

I must begin my presentation by reminding us all that the Maine Judicial Branch has been substantially underfunded for decades. A number of assessments have confirmed that the staffing shortages in Maine's justice and legal services are real, including the Reinventing Maine Report and the Report of the Maine Heritage Policy Center. We are fortunate to have an experienced and dedicated work force in the Judicial Branch, with employees whose commitment to public service makes them the unsung heroes of the delivery of justice. But the fact remains that there are too few positions—far fewer positions as compared to other states—to complete the work before us.

However, I am not going to dwell on these challenges today. Nor am I going to spend time today talking about some of the recent and most uplifting aspects of the delivery of justice, such as the improvements in Juvenile Justice, or the new evidence-based practices in criminal law that hold real promise for reducing community risk and recidivism through focused interventions, including mental health courts, drug courts, and improved monitoring capacities.

Instead, I know you're all going to be very excited about this, I am going to take advantage of this 10th Anniversary of my presentations to you to talk about the nuts and bolts of delivering justice in this state. I am going to describe the improvements that have been made in the past ten years, and lay out a blueprint for the next ten years.

I hope that when we are done here this morning, you will agree with me that Maine's Judiciary is moving ahead with a clear vision for the future.

In order to understand our administrative goals for the last decade and the decade to come, some context is necessary.

In 1820, and, Governor, I want to assure you it moves faster. 1820 is quite a while ago. The Maine Constitution established one Court, the Supreme Judicial Court. It was both the trial court and the appellate court for 110 years. Judges rode on horseback throughout the State, presiding wherever a courthouse could be set up, usually over the local tavern.

By 1930, there was need for a full-time trial court, and the statewide Superior Court was created. Just 30 years later, the

need had expanded again, leading to the creation of the District Courts in the mid 1960s.

With the establishment of the District Courts, the State of Maine had three different State Court systems, with different administrations, and three overlapping judicial cost centers. In 1976, the 107th Maine Legislature took steps to make a system that was much more administratively efficient. In what was a visionary move, and was objected to in many quarters, including the courts, the Legislature consolidated all three components of the state court systems under one single administration, reducing duplication of staff and improving flexibility in the use of judicial resources. So now I have to ask, are there any current legislators who served in the 107th Legislature here today? Two of them. Well, please accept my belated thanks for everything that you did in 1976. I would have sent you a card with my thanks, but in 1976 I was in kindergarten, keeping in mind that you are not the only people who are not under oath here this morning.

So let me just say it is important to understand that many states have not yet completed that step, leaving State, County, and sometimes even municipal governments to pay for the overlapping costs of the courts.

One critical aspect of modernizing the Maine courts was an increased capacity to move the resources in response to changing public needs. The number of newly filed cases varies from year to year, but the mix, complexity, and nature of cases actually changes quite substantially over time. As an example, I want to give you a snapshot of recent changes in caseloads.

General civil filings increased 48% over the last five years. That includes a 146% increase in the number of mortgage foreclosures, and a 56% increase in debt collection cases. In contrast, criminal filings are down approximately 20% over the last five years. Criminal filings, which once represented a full 50% of the court's nontraffic caseload, are now 44% of the total.

Divorces and Family Matters have held fairly steady over that five-year period. But the complexity of those cases has increased over time with new laws and regulations, requiring additional court time and resources.

Protection from Abuse new filings also remained steady at just over 6,000 cases each year. But as lethality and cycles of violence are better understood, these cases require and deserve more time. The Attorney General's Office reports that there were 24 homicides last year. 37% of them—more than a third of the homicides—were classified by the AG as Domestic Violence related.

These changes in caseloads regularly require that we reallocate judge, clerk, and security resources, and we are able to do so that because of the consolidation of the court system that occurred in 1976. So, again, I say thank you to our senior friends who are able to be here in the 107th Maine Legislature. I will pay for that, I think.

Ten years ago when I first spoke to you from this podium, I set out several goals designed to take advantage of the efficient administrative structure of our State Courts, to consolidate further, and to make the system more responsive to the public's changing needs. Among those goals were the following: At that time, we had no system of entry screening whatsoever. Secure the Courts was our first goal. Second, take advantage of the single administrative system to balance and improve the allocation of judicial resources to assure that priority cases, including those involving children, violence, and sexual assault were reached quickly and resolved more promptly. Third, consistent with efforts to consolidate and streamline, address the aging and expensive infrastructure of Maine's courthouses. And fourth, make better use of technology to reduce staffing needs,

improve record keeping, and provide much more prompt public service.

In the last ten years, we have accomplished many of those goals.

First, regarding security, we have worked consistently, and I know some of you would say stubbornly, to improve safety in our courthouses, and with your help, we have made substantial progress. You made it a crime to carry a gun into a courthouse; you created ten new entry screening positions; and most important, we have progressed from 0 days of entry screening in our courthouses to screening approximately 20% of our courthouses on a daily basis. The Governor's proposed budget for the Judicial Branch will allow us to fill remaining vacancies and increase that number to approximately 25%. But we cannot stop there. In the last several weeks, Judicial Marshals doing entry screening removed three handguns from people entering different courthouses. It is only a matter of time until something tragic happens in one of those courthouses without a screener at the door. We cannot cease our efforts to make the courthouses safe.

Second, regarding resource allocations, in 2003, the Judicial Resource Team, led by Justice Levy, created an entirely new approach to case management and scheduling which: Set up a regional system of judges from both trial courts working together; it focused on eliminating delays, wasted time, and duplicated efforts; and it improved case processing speed. Following the implementation of those recommendations, the time it took to complete family cases, for example, where children were waiting for stability, was cut in half. The work of the Judicial Resource Team demonstrated that real improvements were possible, even without additional funding and staff. And that is an important lesson to all of us.

In the last several years, we have built on those lessons by further re-engineering specific dockets. The Unified Criminal Docket in Portland, whose design and implementation was led by Justice Gorman, has proven to be a resounding success. It eliminated the antiquated bifurcation of criminal procedures and redundant work in our clerks' offices. These improvements, assisted greatly by the support of District Attorney Stephanie Anderson, have reduced the staffing resources necessary in our Portland criminal clerks' office. That has allowed us to shift funding from clerk positions to security positions. And by reducing repeated, unproductive appearances, it also reduced the strain and costs on the DA's office, court-appointed and retained counsel, and local law enforcement.

This improved model for criminal processing is underway in Bangor, and we are in the stages of planning for improved criminal dockets in York County.

Third, over the last ten years we set about to streamline the court's infrastructure. I am very proud of our accomplishments here.

Again context is important. In the three decades that followed the creation of the District Courts in the 1960s, the court system built or rented separate, stand alone District Court facilities even in towns where Superior Court facilities already existed. Those buildings required additional staff, duplicated security, and duplicated technology costs. They made it difficult for judges to assist with overflow dockets in a rational fashion. Members of the public with related cases could find themselves going from building to building in the same town in order to resolve their legal issues.

In the last ten years, we have made a concerted effort to eliminate those problems. Wherever District and Superior Courts are located in different facilities in the same town, our goal has been to consolidate the courts into one facility and consolidate

the clerks' offices. Those changes alone can substantially reduce the strain on staffing, security, and technology costs. We have accomplished a number of these goals: The Judicial Branch used to have 41 separate clerks' offices. Through consolidation, we now have 26 clerks' offices. We have consolidated a number of courthouses, including in Houlton, where the separate District and Superior Courts facilities were consolidated into the renovated and beautiful second floor of the Houlton County building; in Bangor, where both trial courts are now consolidated in a single energy-efficient courthouse; in Ellsworth, where we merged the Bar Harbor District Court into the Hancock County building; and in Lewiston, where we merged the former Livermore Falls District Court into the Lewiston District Courthouse.

We are in the process right now of consolidating two separate courthouses in Dover-Foxcroft into one single floor in the Piscataquis County building. With the Governor's help and your support, we will soon consolidate three trial court facilities and court staff from four separate buildings into a single courthouse here in Augusta. And in Washington County, we will update and renovate the beautiful, but aging, county building with a consolidated facility for both trial courts.

Our use of technology has also expanded substantially. Although we do not yet have electronic filing, which is one of our ultimate goals, we have achieved several major steps forward. Both criminal fines and traffic tickets can now be paid on line, speeding recovery of revenues, and reducing the potential for license suspensions and arrest warrants. All Domestic Violence orders are in electronic format and are available instantaneously to law enforcement officials in the field. This year, we will complete a centralized electronic arrest warrant repository again providing instant electronic access to law enforcement in the field. And with the support and cooperation of the Department of Public Safety, and particularly Commissioner Morris and former Commissioner Jordan, we have also completed the new criminal information electronic broker system. There will be a quiz. I actually know what this is. I am going to explain this to you. This is an electronic system that automatically sweeps data in criminal cases from the court system into the State Bureau of Identification.

What this really means is that the days of piling criminal history data into shoe boxes at the SBI and hoping that they will eventually have sufficient staff to type them into an electronic system are over. All new convictions are immediately placed into the SBI's database and become available for appropriate law enforcement agencies.

Community safety is greatly enhanced by these developments, and they ease staffing burdens, not just for the courts, but for local law enforcement and for Public Safety. Some of these improvements will require help, your help, in updating our laws, and we are working with a number of you to accomplish that right now.

Looking back over these last ten years, we have worked hard to keep our eye on our goals and move forward, notwithstanding the resource limitations.

Unfortunately, the challenges of understaffing have taken their toll on the public. The bottom line is that the limited number of staff and judges cannot do all of the work that is generated. With only 53 trial judges across the State, and with 150,000 new cases every court year, there is not enough staff to respond to the cases that are presented. That is 600 new cases every court day, and that doesn't include 130,000 traffic infractions. We have had to set priorities. We have slowed responses to nonpriority cases, and we have even reduced access at times. For example, public hours are currently reduced in the clerks' offices in

Rumford, Millinocket, and South Paris.

Here is the current snapshot: The Maine Judicial Branch today is an organization of 39 courthouses, down from 43, and 493 General Fund positions, down from 512. The total operations budget for the current fiscal year for all of the Judicial Branch is \$49 million, with another \$6.8 million dedicated to debt service. 70% of the Judicial Branch operations budget is people, that is, the 493 positions, approximately 35 of which have not been able to be filled because of funding shortages. The remaining 30% of the operations budget, just over \$15 million, is the full year-long budget for all nonpersonnel costs for the Statewide court system.

It is one of the leanest judicial budgets in the country.

Nonetheless, given what we have accomplished in the last ten years, with focus and hard work, I am confident that we will meet our goals for the next decade. As we move ahead, in addition to progress in security, technology, and consolidations, we will be focusing on several substantive areas.

One of our goals must be to provide better public service for our business communities. There are three areas that need help:

First, our fledgling Business and Consumer Docket has suffered substantially with staffing limitations. Three years ago, the Business Docket got off to a great start. Some of the most complex business cases in the system were being resolved in nine or ten months. The benefit to businesses of prompt, predictable justice cannot be overstated. Delays and uncertainty do not support a solid business climate. The Business Docket was designed to avoid those problems, and it did very well for the first year.

Unfortunately, the staffing shortages have changed that. Chief Justice Humphrey, who guides the Business Docket, is currently working toward an administrative rejuvenation of the Docket. By moving resources from other areas, we hope in six months to have restored the Docket to solid footing once again.

Second, small claims, landlord/tenant, and collection matters have had to take a back seat to urgent matters of violence, sexual assault, and children's needs. I have asked the Trial Court Chiefs to design a new case processing plan for all of these cases as soon as the resources are available.

And third, we must simplify and reduce the costs for those civil cases that are too big to be small claims, and not large enough to qualify for the Business and Consumer Docket. I regularly hear from businesses and litigants that our system of justice allows too much expensive discovery and motion practice, and makes it fiscally impossible for them to assert their claims. The bench and the bar are working together to improve that process.

One last cautionary note for the next decade. We must all work together to improve the availability of legal services for vulnerable people who cannot afford an attorney when they are confronted by urgent legal problems including those involving their children, their homes, or, in the face of domestic violence, their very lives. Imagine the confusion, the fear, and sometimes even anger of having to be alone in court at a time like that. And we must not abandon our elderly, who are increasingly vulnerable to physical and economic abuse.

The work that you do, in carefully crafting laws to protect our citizens, will be lost if only those who can afford their own lawyers receive the protection of those laws. We cannot allow the phrase "Access to Justice" to become a hollow promise.

And so, as we prepare for the future, we must keep our eye on the very specific vision of justice we have set out for Maine. I'm going to take the last few minutes to describe some of the most important goals for the decade ahead.

First, our court facilities will be physically accessible to everyone and will be safe from dangerous weapons. The Court's infrastructure will be designed to serve the public well while keeping costs at a minimum. Multiple courthouses in any community will be consolidated. The largest courthouses will provide central hubs for jury trials and complex cases. Maine's rural system of justice will be strong and vibrant, without the need for reduced public hours. The rural courts will be centers of innovation with improved video communication and reduced costs to local businesses, litigants, and law enforcement.

All cases will be heard promptly, because every case type is a priority for the people involved. The Business Docket will be fully staffed. Litigants with Small Claims and Landlord Tenant matters will no longer wait months for hearings. Criminal Dockets will be streamlined. And there will be sufficient resources to expand innovative judicial approaches that have been proven to be effective, such as the Adult and Family Drug Treatment Courts, Mental Health Courts, and Domestic Violence Courts.

Support for access to justice will be strong and deep. Maine lawyers, who are already among the most generous in the country, last year donated more than \$300,000 in cash and more than 20,000 hours of free legal services. They will be even more engaged in their local communities through the work of the Justice Action Group's Library Collaborative, which connects local libraries, more than 50 of them, with key legal information sources, and with local lawyers, in essence, giving each of those communities its own access to justice center.

Jury trials will be readily accessible. Costs of litigation will be reduced. Jurors, who now receive the princely sum of 15¢ per mile and \$10 a day, will actually be reasonably compensated for their public service. And Maine lawyers will partner with the Judicial Branch to improve public service in the courts. Did you know that in the last two and a half years, the work of Maine trial lawyers, in injury-related litigation, has recovered over 11 million dollars for Maine's Medicaid accounts?

Finally, electronic information systems will substantially improve public service. There are several of you who are working with us to move this forward more quickly and we are grateful for your assistance. Electronic filing should be available in every case type. All financial services should be centralized. And central help lines should be available for all litigants.

All of these goals are works in progress right now, with many of the foundations for realizing the vision progressing well.

And the good news is Governor LePage's proposed budget for the Judicial Branch will allow us to fill vacancies, it will support the Business Court reorganization, it will allow improved small business case management, and still protect the priority cases. And that budget provides funding to assure a consolidated, safe, and energy efficient courthouse, right here in the State's capital, and renovations in Washington County.

Realistically, because I know you are going to be counting in the years to come, it will probably be five years for much of the vision to be realized, and possibly ten before every single case type is electronically available. But having spent the last ten years working toward many of these goals, I know they are reachable if we keep our eyes on the prize. And I can tell you that ten years goes by very fast.

Albert Einstein once said: In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same.

Here is what you can do to assure that Maine people are treated fairly regardless of the nature of their legal disputes, where they live, or their ability to afford lawyers. First, support the Governor's budget for the Judicial Branch. Second, come to our courthouses, watch justice in action, and give us your

feedback. I know that many of you have already taken the time to get into your local courthouses and watch the proceedings. Mary Ann Lynch stands ready to help you make those arrangements. And finally, if you find extra money, send it on to us. We promise to make the very best use of every dollar you find.

It is an honor as always to speak to you here today. We are grateful for your support for justice in Maine. I wish you all the best in the very challenging days and weeks ahead. Thank you.

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The Chief Justice withdrew amid the applause of the Convention, the audience rising.

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The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

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The Senate then retired to its Chamber amid the applause of the House, the audience rising.

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(After the Joint Convention)

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The House was called to order by the Speaker.

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#### Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission

(H.P. 252) (L.D. 310)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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#### Emergency Measure

Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property

(S.P. 177) (L.D. 594)  
(C. "A" S-7)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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#### Emergency Mandate

An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township

(H.P. 69) (L.D. 81)  
(C. "A" H-15)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was

taken. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### Resolve Pursuant to the Constitution Public Land

Resolve, Directing the Conveyance of Conservation Land in Rockport

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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#### Acts

An Act To Allow Storage of Lobster Traps on Docks

(H.P. 42) (L.D. 49)  
(C. "A" H-10)

An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel

(H.P. 43) (L.D. 50)  
(C. "A" H-14)

An Act Implementing a Fisheries Permit Banking Program

(S.P. 34) (L.D. 61)  
(C. "A" S-5)

An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs

(H.P. 151) (L.D. 174)  
(C. "A" H-16)

An Act To Establish Governor William King Day

(S.P. 65) (L.D. 214)  
(C. "A" S-6)

An Act To Amend the Laws Regarding Noncommercial Foreign Vessels

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

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

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#### Resolves

Resolve, To Study New and Used Motor Vehicle Dealer Licensing Requirements

(H.P. 218) (L.D. 265)  
(C. "A" H-13)

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

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The SPEAKER: The Chair recognizes the Representative from Bath, Representative Clarke, who wishes to address the House on the record.

Representative CLARKE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to Roll Call No. 10, LD 64, had I been present I would have voted nay.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry, who wishes to address the House on the record.

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Tomorrow marks a very solemn occasion in the history of this country, and I hope that we can commemorate it here briefly today with a moment of silence. The occasion is, as many of you know, the 100th anniversary to the day, tomorrow, of the tragic fire at the Triangle Shirtwaist Factory in lower Manhattan. The tragedy was witnessed by a woman who is today buried in Newcastle, Maine, who accomplished great things for our state. Her name is Frances Perkins. I want to read you very briefly an excerpt from a book about her where she bears witness to the fire in order to commemorate together the tragedy of that day. And I want to offer it in the spirit of bipartisanship and in no other spirit.

Frances was a young lady at the time and happened to be in lower Manhattan when the fire broke out. Many of you know that the Triangle Shirtwaist Factory was a place where young women worked making clothing. Frances and the other guests were just sitting down to tea when they were startled by shouts and the piercing sound of fire whistles. They rushed to the door to investigate. The butler told them that a big fire had erupted on the other side of the square. Looking across the park, Frances saw flames shooting out of the windows of a 10 story building diagonally across from the Norrie home. It housed the Triangle Shirtwaist Factory Manufacturing Company, a firm they all knew, which employed hundreds of workers, mostly young and impoverished immigrant women. It was a crowded fire trap. The workers were crammed elbow to elbow, their sewing machines packed in tightly, with threads and fabric scraps strewn across the floors and pushed into bins. The girls worked long hours, often six days a week, as they had been doing on this particular Saturday sewing blouses in the Gibson Girl style with puffed sleeves and tight bodices that were worn by fashionable young women, like Frances and her friends. I will skip. Frances runs to the fire to get closer and as she approached, here I quote again, Frances saw people beginning to plummet to the ground. One by one the people would fall off, she said. They couldn't hold on any longer. The grip gives way. Then just as she arrived at the base of the building, Frances saw a worker deliberately jump to her death, then another and another. There began to be panic jumping, she said. People who had their clothes afire would jump. It was the most horrid spectacle. Even when they got the nets up, the nets didn't hold in a jump from that height. There was no place to go. The fire was between them and any means of exit. There they were. They had gone to the window for air and they jumped.

I won't go on, but I would encourage you to learn a little more about the Triangle Shirtwaist Factory in commemoration of the 100th anniversary tomorrow. And as with all tragedies, I think we have learned enormously and we have improved enormously because of that. Many protections in workplaces that were not known at that time have come to exist since then. I want to thank Representative Russell for the passage and she is not going to speak because her voice is a little tender today, but at this time, in commemoration of the 146 mostly teenage girls who lost their lives at that time, and, again, in the spirit of remembering Frances Perkins, what she stood for and most importantly the progress we have made since, I want to ask for a moment of silence, if the Speaker is willing to indulge me.

At this point, the Members of the House stood and joined in a moment of silence in memory of the people who died in the Triangle Shirtwaist Factory in New York 100 years ago.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 397)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 29, 2011, at 10:00 in the morning.

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

Bill "An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute"

(S.P. 400) (L.D. 1286)

Bill "An Act To Waive Penalties on School Administrative District No. 32 and School Administrative District No. 33 under the School Administrative Unit Consolidation Laws"

(S.P. 399) (L.D. 1289)

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 Amend the Pine Tree Development Zone Laws Regarding Average Weekly Wages"

(S.P. 398) (L.D. 1288)

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 Create a Scholarship Granting Organization Tax Credit"

(S.P. 401) (L.D. 1287)

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 Allow Deferred Disposition in Juvenile Cases"

(S.P. 402) (L.D. 1299)

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 Amend the Laws Governing Security Deposits of Workers' Compensation Self-insurers"

(S.P. 404) (L.D. 1301)

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 Create a New Liquor License, Provide Funding for Prevention of Underage Drinking and Provide Municipal Control over the Agency Liquor Store Application Process"

(S.P. 403) (L.D. 1300)

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.

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

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On motion of Representative MITCHELL of the Penobscot Nation, the House adjourned at 12:08 p.m., until 10:00 a.m., Tuesday, March 29, 2011 pursuant to the Joint Order (S.P. 397) and in honor and lasting tribute to Mark Alan Sanborn, of Brownville and Ebeemee Pond.