

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
30th Legislative Day
Tuesday, April 5, 2011

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

Prayer by the Honorable Margaret R. Rotundo, Lewiston.

National Anthem by MacKenzie Leal, Nokomis Regional High School, Newport.

Pledge of Allegiance.

The Journal of Thursday, March 31, 2011 was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Laws Governing the Address Confidentiality Program"

(S.P. 407) (L.D. 1310)

Committee on **STATE AND LOCAL GOVERNMENT** 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.

Bill "An Act To Restore Maine's Secondary Roads"

(S.P. 421) (L.D. 1367)

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

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

Non-Concurrent Matter

Bill "An Act To Provide Prevailing Mortgage Attorneys Fees in the Foreclosure Process"

(H.P. 999) (L.D. 1360)

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in the House on March 30, 2011.

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

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

Non-Concurrent Matter

Bill "An Act To Improve Party Status Requirements"

(H.P. 125) (L.D. 142)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-41) in the House on March 29, 2011.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 216)

MAINE SENATE

**125TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 31, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Transportation on Bill "An Act To Modernize and Reduce the Cost of Driver Education" (H.P. 178) (L.D. 201).

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 217)

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

April 4, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate confirmed the following nominations on Thursday March 31, 2011:

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Robert A. Harmon of Raymond for appointment to the Dirigo Health Board.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Douglas S. Carr of Yarmouth for appointment to the Dirigo Health Board.

Sincerely,

S/Bonnie S. Gould

Assistant Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills 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 To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine"

(H.P. 1019) (L.D. 1386)

Sponsored by Representative STEVENS of Bangor.

Cosponsored by Senator FARNHAM of Penobscot and Representatives: CAIN of Orono, PARKER of Veazie, RICHARDSON of Carmel, WAGNER of Lewiston, Senators: ALFOND of Cumberland, LANGLEY of Hancock, MASON of Androscoggin, SCHNEIDER of Penobscot.

Bill "An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges"

(H.P. 1024) (L.D. 1395)

Sponsored by Representative CEBRA of Naples.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Enhance Public Safety Response to High-risk Events"

(H.P. 1032) (L.D. 1404)

Sponsored by Representative PILON of Saco.
Cosponsored by Representative CLARK of Millinocket, Senator GERZOFISKY of Cumberland and Representatives: BLODGETT of Augusta, CLARKE of Bath, DION of Portland, LAJOIE of Lewiston, MOULTON of York, SHAW of Standish, Senators: ALFOND of Cumberland, KATZ of Kennebec.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Allow Schools To Adopt Approved Alternative Curricula"

(H.P. 1021) (L.D. 1388)

Sponsored by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and Representatives: BOLDUC of Auburn, HOGAN of Old Orchard Beach, JOHNSON of Greenville, PRIEST of Brunswick, RANKIN of Hiram, WAGNER of Lewiston.

Bill "An Act To Extend Employment Reference Immunity to School Administrative Units"

(H.P. 1030) (L.D. 1402)

Sponsored by Representative DOW of Waldoboro.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters"

(H.P. 1025) (L.D. 1396)

Sponsored by Representative BOLAND of Sanford.
Cosponsored by Representative CHIPMAN of Portland, Senator SNOWE-MELLO of Androscoggin and Representatives: BOLDUC of Auburn, BRIGGS of Mexico, DILL of Cape Elizabeth, MORRISON of South Portland, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, TUTTLE of Sanford, Senator: GERZOFISKY of Cumberland.

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Restore Exemptions in the Natural Resources Protection Act"

(H.P. 1020) (L.D. 1387)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Senator SAVIELLO of Franklin.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Amend the Laws Administered by the Department of Environmental Protection"

(H.P. 1027) (L.D. 1398)

Sponsored by Representative HAMPER of Oxford.
Cosponsored by Representatives: DUCHESNE of Hudson, LONG of Sherman, PARKER of Veazie.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

HEALTH AND HUMAN SERVICES

Bill "An Act To Require Estimates of Patient Costs in Any Plan of Care prior to Treatment"

(H.P. 1022) (L.D. 1393)

Sponsored by Representative BOLAND of Sanford.
Cosponsored by Senator FARNHAM of Penobscot and Representatives: BEAUDOIN of Biddeford, BURNS of Whiting, GOODE of Bangor, GRAHAM of North Yarmouth, MAKER of Calais, MALONEY of Augusta, NEWENDYKE of Litchfield, O'CONNOR of Berwick.

Bill "An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals Receiving Long-term Care Services"

(H.P. 1023) (L.D. 1394)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Senator ROSEN of Hancock and Representatives: EVES of North Berwick, FOSSEL of Alna, MALABY of Hancock, O'CONNOR of Berwick, PETERSON of Rumford, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: BRANNIGAN of Cumberland.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Establish a Single-payor Health Care System To Be Effective in 2017"

(H.P. 1026) (L.D. 1397)

Sponsored by Representative PRIEST of Brunswick.
Cosponsored by Senator GERZOFISKY of Cumberland and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CASAVANT of Biddeford, CHAPMAN of Brooksville, CLARK of Millinocket, CLARKE of Bath, CORNELL du HOUX of Brunswick, DION of Portland, DRISCOLL of Westbrook, DUCHESNE of Hudson, EVES of North Berwick, FLEMINGS of Bar Harbor, GILBERT of Jay, GOODE of Bangor, GRAHAM of North Yarmouth, HASKELL of Portland, HAYES of Buckfield, HINCK of Portland, HOGAN of Old Orchard Beach, KENT of Woolwich, KRUGER of Thomaston, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, LOVEJOY of Portland, MacDONALD of Boothbay, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, MITCHELL of the Penobscot Nation, MORRISON of South Portland, PEOPLES of Westbrook, PETERSON of Rumford, PILON of Saco, RANKIN of Hiram, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, STUCKEY of Portland, TREAT of Hallowell, TUTTLE of Sanford, WAGNER of Lewiston, WEBSTER of Freeport, WELSH of Rockport, Senators: ALFOND of Cumberland, BLISS of Cumberland, BRANNIGAN of Cumberland, CRAVEN of Androscoggin, JACKSON of Arostook, PATRICK of Oxford.

TAXATION

Bill "An Act To Provide a Sales Tax Holiday Weekend"

(H.P. 1017) (L.D. 1384)

Sponsored by Representative STRANG BURGESS of Cumberland.

Cosponsored by Representatives: CEBRA of Naples, PILON of Saco, Senator ROSEN of Hancock and Representatives: AYOTTE of Caswell, BEAVERS of South Berwick, BURNS of Whiting, CASAVANT of Biddeford, CELLI of Brewer, CHASE of Wells, CLARKE of Bath, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, EDGECOMB of Caribou, ESPLING of New Gloucester, FITTS of Pittsfield, FOSSEL of Alna, FOSTER of Augusta, GUERIN of Glenburn, HAMPER of

Oxford, JOHNSON of Greenville, KAENRATH of South Portland, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, LIBBY of Waterboro, MALABY of Hancock, McFADDEN of Dennysville, McKANE of Newcastle, NEWENDYKE of Litchfield, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PLUMMER of Windham, PRESCOTT of Topsham, SHAW of Standish, SIROCKI of Scarborough, TURNER of Burlington, VALENTINO of Saco, WEAVER of York, WOOD of Sabattus, Senators: COURTNEY of York, GOODALL of Sagadahoc, MARTIN of Kennebec, President RAYE of Washington, RECTOR of Knox, SNOWE-MELLO of Androscoggin.

Bill "An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine"

(H.P. 1018) (L.D. 1385)

Sponsored by Representative EVES of North Berwick.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: BERRY of Bowdoinham, BURNS of Alfred, FLEMINGS of Bar Harbor, HUNT of Buxton, KNIGHT of Livermore Falls, McCABE of Skowhegan, WEAVER of York.

TRANSPORTATION

Bill "An Act To Amend the Laws Restricting Advertising on Public Ways"

(H.P. 1033) (L.D. 1405)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Senator SHERMAN of Aroostook, Senator SAVIELLO of Franklin and Representatives: CHIPMAN of Portland, CLARK of Easton, FITTS of Pittsfield, HAMPER of Oxford, MAKER of Calais, McKANE of Newcastle, PICCHIOTTI of Fairfield, SARTY of Denmark.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Allow Eligible Nonprofit Organizations To Hold Two Card Games Per Month"

(H.P. 1031) (L.D. 1403)

Sponsored by Representative CLARKE of Bath.

Cosponsored by Senator GOODALL of Sagadahoc and Representatives: DION of Portland, KENT of Woolwich, OLSEN of Phippsburg, TUTTLE of Sanford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Statute

Criminal Law Advisory Commission

Representative PLUMMER for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes"

(H.P. 1028) (L.D. 1399)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative PLUMMER for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Address Certain Aspects of Bail"

(H.P. 1029) (L.D. 1400)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative CURTIS of Madison, the following Joint Resolution: (H.P. 1034) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES SECRETARY OF EDUCATION TO OPPOSE THE MOVE TOWARD COMPETITIVE GRANTS IN THE DISTRIBUTION OF FEDERAL EDUCATION AID

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the United States Congress and the Secretary of Education as follows:

WHEREAS, the administration of President Barack H. Obama has made it known that it wants to rely more on the use of competitive grants to award federal education aid to states, and it is likely to incorporate competitive grants in its proposal to reauthorize the Elementary and Secondary Education Act, known as the No Child Left Behind Act; and

WHEREAS, the shift to competitive grants as opposed to formula allocations will hurt rural states like Maine that lack the people or the capacity at the state and local levels to devote to the grant-writing process; and

WHEREAS, Maine currently receives an estimated \$200,000,000 in federal money annually, distributed largely through formula allocations, that supports programs for the State's neediest children; and

WHEREAS, changing federal aid to a competitive grant system would jeopardize that funding at a time when the State needs it most, in these serious economic times, and it would hurt the education of children who need it most; and

WHEREAS, the Maine School Boards Association and the Maine School Superintendents Association, which represent school districts across the State, have formally adopted positions opposed to this move toward competitive grants, now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the President and Congress of the United States and the United States Secretary of Education to continue to rely on formula allocations that recognize the obligation to educate all our children regardless of where they live and reject the move toward distributing federal education aid through competitive grants; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to

the President of the United States Senate, to the Speaker of the United States House of Representatives, the Honorable Arne Duncan, Secretary of Education, and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

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, March 31, 2011, 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 Jared Jensen, of Brunswick, who won the 2011 Maine Class A State Wrestling Championship

(HLS 176)

TABLED - March 15, 2011 (Till Later Today) by Representative PRESCOTT of Topsham.

PENDING - **PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative PRESCOTT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have a champion among us today. We are honoring Jared Jensen, of Brunswick, for his skill and determination as a high school wrestler. Jared's father Erick attended Michigan State University on a wrestling scholarship and has coached the Mt. Ararat High School wrestling team for 10 years. Following in his father's footsteps, Jared began wrestling in the peewee leagues at 5 years old with his dad as his coach, and he has continued in the sport ever since, with his father still as his coach today. Jared attends and competes as a sophomore for the Brunswick High School, but since his school does not have a wrestling program he trains with Mt. Ararat High School, fortunate for us, on their wrestling team. Jared finished this season as the Class A State Wrestling Champion in the 130 pound weight class. I would like to congratulate Jared on his achievement and commend him for his hard work. Jared and his father Erick and his mother Colleen are visiting with us today, and I would like to recognize and extend warm congratulations to them before this body. Thank you.

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

REPORTS OF COMMITTEE

Change of Committee

Representative PRESCOTT from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Driver Education Licensing"

(H.P. 555) (L.D. 748)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION.**

Sent for concurrence.

Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-19) on Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"

(S.P. 54) (L.D. 204)

Signed:

Senators:

RECTOR of Knox
JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford

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

Signed:

Senator:

MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
WINTLE of Garland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-19).**

READ.

Representative PRESCOTT of Topsham moved that the House **ACCEPT** the **Minority Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the **Minority Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Ban the Use of Personal Watercraft on Allen Pond in the Town of Greene"

(H.P. 483) (L.D. 653)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:
CRAFTS of Lisbon

READ.

On motion of Representative DAVIS of Sangerville, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow the Placement of Certain Road Signs That Advertise a Small Business"

(H.P. 117) (L.D. 135)

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland

Representatives:

CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARRY of Arundel
PEOPLES of Westbrook
RIOUX of Winterport
THERIAULT of Madawaska

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-59)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

ROSEN of Bucksport
WILLETTE of Mapleton

READ.

On motion of Representative CEBRA of Naples, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Ten Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-54)** on Bill "An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges"

(H.P. 238) (L.D. 294)

Signed:

Senator:

PATRICK of Oxford

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish

WOOD of Sabattus

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

MARTIN of Kennebec
TRAHAN of Lincoln

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-55)** on same Bill.

Signed:

Representative:

CLARK of Millinocket

READ.

On motion of Representative DAVIS of Sangerville, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-54)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 6, 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. 67) (L.D. 216) Resolve, To Prohibit Smokers from Receiving MaineCare Benefits Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

(S.P. 128) (L.D. 424) Bill "An Act To Revise the Laws Governing the Licensure of Public Water System Operators" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

(H.P. 560) (L.D. 753) Bill "An Act To Establish Juneteenth Independence Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 111) (L.D. 129) Bill "An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-68)**

(H.P. 205) (L.D. 252) Bill "An Act To Amend the Laws Governing Aquatic Nuisance Species" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-66)**

(H.P. 206) (L.D. 253) Resolve, To Establish a Single Construction Permit for Aboveground Oil Storage Tanks in Gravel Pits and Quarries Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-67)**

(H.P. 244) (L.D. 302) Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)**

(H.P. 313) (L.D. 387) Bill "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-65)**

(H.P. 329) (L.D. 411) 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) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-61)**

(H.P. 437) (L.D. 554) Bill "An Act To Amend the Telecommunications Education Access Fund" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-63)**

(H.P. 455) (L.D. 625) Bill "An Act To Amend the Law Pertaining to Loaner Registration Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-71)**

(H.P. 480) (L.D. 650) Bill "An Act To Create an Apprentice Trapper License" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-70)**

(H.P. 541) (L.D. 710) Bill "An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-64)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 415) (L.D. 532) Bill "An Act To Update the Maine Uniform Trust Code"

(H.P. 451) (L.D. 593) Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 44) (L.D. 51) Bill "An Act Regarding Access to Sexually Explicit Material" (C. "A" H-56)

(H.P. 147) (L.D. 170) Bill "An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons" (C. "A" H-57)

(H.P. 156) (L.D. 179) Bill "An Act To Prohibit the Issuance of a 2nd Absentee Ballot under Certain Circumstances" (C. "A" H-58)

(H.P. 162) (L.D. 185) Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels" (C. "A" H-53)

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

BILLS IN THE SECOND READING

House as Amended

Resolve, Directing the Department of Transportation To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits

(H.P. 376) (L.D. 483)
(C. "A" H-60)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative **TIMBERLAKE** of Turner, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-60)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-73)** to **Committee Amendment "A" (H-60)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative **Timberlake**.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. This is to allow for them to get the sign up before the scholastic school year starts this fall, and if we wait to do this, and this is why I presented this amendment, so that Hebron Academy can get this up before their start of the upcoming school year and get working on it. Thank you.

Subsequently, House Amendment **"A" (H-73)** to **Committee Amendment "A" (H-60)** was **ADOPTED**.

Committee Amendment "A" (H-60) as Amended by House Amendment **"A" (H-73)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-60)** as Amended by House Amendment **"A" (H-73)** thereto and sent for concurrence.

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

ENACTORS

Acts

An Act To Designate the Official State Treat and the Official State Dessert

(H.P. 59) (L.D. 71)

(H. "A" H-20 to C. "A" H-8)

An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives

(H.P. 108) (L.D. 126)

(C. "A" H-40)

An Act To Provide Access to State Forms

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

(C. "A" H-36)

An Act To Amend Indemnification Notification Laws

(S.P. 85) (L.D. 279)

An Act Regarding the Southern Maine Veterans Memorial Cemetery

(S.P. 88) (L.D. 299)

(C. "A" S-14)

An Act To Enhance Penalties To Protect Senior Investors

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

(C. "A" S-16)

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

Resolves

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Routine Technical Rules Governing the Maine Clean Election Act and Equipment Repurchase

(H.P. 184) (L.D. 231)

(C. "A" H-39)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Prepare a Deer Winter Feeding Strategy
(S.P. 80) (L.D. 271)
(C. "A" S-15)

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

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

SENATE PAPERS

Bill "An Act To Increase the Penalty for Sexual Abuse by Certain Offenders"

(S.P. 432) (L.D. 1392)

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 Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students"

(S.P. 425) (L.D. 1380)

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 Protect Homeowners Regarding Sewer Liens"

(S.P. 427) (L.D. 1382)

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

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

Bill "An Act To Revise the Reporting Requirements for Oil Spills"

(S.P. 430) (L.D. 1390)

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 Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers"

(S.P. 423) (L.D. 1378)

Bill "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers"

(S.P. 428) (L.D. 1383)

Bill "An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care" (EMERGENCY)

(S.P. 431) (L.D. 1391)

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.

On motion of Representative MARTIN of Eagle Lake, the House **RECONSIDERED** its action whereby Bill "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers"

(S.P. 428) (L.D. 1383)

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

On further motion of the same Representative, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Bill "An Act To Require Certain Costly Rules To Be Approved by the Legislature"

(S.P. 429) (L.D. 1389)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations

(S.P. 433) (L.D. 1401)

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 Establish Training Routes for School Bus Drivers"

(S.P. 424) (L.D. 1379)

Bill "An Act Regarding the Requirement That Construction Equipment Have a License Plate"

(S.P. 426) (L.D. 1381)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 31, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-48)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Extend Coverage under the State's Mini-COBRA Law"

(H.P. 53) (L.D. 60)

TABLED - March 30, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative RICHARDSON of Warren 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 Warren, Representative Richardson.

Representative RICHARDSON: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 60 is, I'm going to say, a bad bill for small business, and I just want to quote from the Department of Insurance who testified neither for nor against and the reason why I call it a bad bill. The claim cost for COBRA enrollees are higher than active employees. This is because they have medical conditions or who anticipate healthcare needs in the future, are more likely to sign up for the coverage under COBRA. This is known as adverse action and I must stress that there obviously are options available for folks who are in this situation and I am going to urge you to vote in favor of the Majority Report. Thank you, Mr. Speaker.

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

Representative TREAT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote no on the pending motion so that we can go on to Accept the Minority Report. This is not a bad bill. This is a very good bill. It's not a big bill. It's a very small bill, but it is a bill in the lives of those people who would benefit from it. Healthcare is one of the biggest issues that we face in today's world and so is unemployment, which right now in Maine is at a rate of 8.5%. It is going down but not fast enough. This law right now is in effect, which is the COBRA law. I think many people here are pretty familiar with that. Both under federal law and state law, if you are laid off you can go and purchase with your own money the private insurance plan that your employer has negotiated for the whole group of employees. Maine law right now allows you to do that for businesses under 20 for only 12 months. The federal law allows for 20 and over for 18 months. What this bill does in the amended form and the Minority did amend the bill quite substantially from its original version, which went on for 36 months, and it did raise, as the good chair pointed out, some concerns from the Bureau of Insurance. We took those concerns to heart and we basically amended the bill so it matched up exactly with what's in law right now in New Hampshire. This is not going to be an additional cost to small businesses.

Number one, this is only going to apply to people who are already purchasing this insurance anyway for 12 months, so it simply extends for six more months their ability to pay with their own money this insurance, which was negotiated for a group rate. As we all know, group rates are much more affordable than an individual rate that you would have to go to get out on the private market by yourself.

In addition, there is a provision in the current law, and this bill would continue that, that there is an administrative fee that the individual buying this insurance would have to pay that would completely cover any additional costs on the small or large business that this was affecting. Of the 40 states that have a state COBRA program—and that is the name of this, COBRA, you've all heard of that—over 24 of the 40, a majority, allow for at least 18 months of coverage. This legislation would simply bring Maine up to the national average of what is done around the country, something that so many of us here are requesting that we do. It is a very modest step, but for someone who is in the middle of treatment, let's say for cancer or anything like that, 12 months is not going to be enough. Eighteen months may not be, but that is six more months that you'll have to have that treatment, and it is six more months that you'll have to find another job that potentially would provide your health insurance. At a time when our unemployment rate is high and people have been laid off for really extended periods of time, this is just a simple commonsense measure. It doesn't solve all of our

problems, but it is a modest step in the right direction and I urge you to vote against the pending motion so that we can go on to pass the bill.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Lovejoy.

Representative LOVEJOY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish I could stand up here and tell you there was no need for this bill, but there is a need for this bill. We are in what's commonly referred to as a jobless recovery, and we're not seeing people getting back to work. Unemployment timeframes are much longer than they used to be and that isn't anyone's fault as far as the employees.

This is a very limited scope. When you think of the companies this applies to, first of all, it's small companies that carry health insurance. This isn't the "every business has to furnish it." It is only those that already provide it. There is no additional paperwork to be done other than the same report they've done for 12 months, they've got to do for an additional six. It is very important to those people who are unemployed. We all saw them. If you walked out and knocked doors, I'm sure you ran into people who are unemployed, and that's part of what this is trying to address. Will it be a huge benefit to thousands of Mainers? Probably not, however, it is going to be important. The issue about adverse selection was put up by the insurance industry, of course, who as you might expect were the ones that generally opposed this bill, but the fact of the matter is, if you are a young family with two young kids, do you want to go uninsured? Would you want your grandkids or your children uninsured? I do urge you to vote no on this so that we can move forward with the Committee Amendment and give these people an extra six months, just six months of additional protection. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative BECK: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, urge you to oppose the pending motion. We've heard essentially what the bill accomplishes. It aligns Maine with New Hampshire for the mini-COBRA coverage duration, and there is sincere objection to the bill around cost. The Representative from Hallowell, Representative Treat, stated, but it bears repeating, how people understand that mini-COBRA coverage is paid for entirely by the consumer, not by the state, not by employers. Laid off workers now pay 102% of the premium for mini-COBRA insurance.

The good chair talked about concerns about adverse selection. It think it's worth pointing out, Mr. Speaker, that it should be no surprise that those inclined to buy this coverage are people that need it. As long as we operate in a voluntary insurance market, there will always be a degree of adverse selection. The good chair also talked about other options for these people. There will be a cost in adverse selection but there could be cost without this bill to the Medicaid program or hospital debt. Mr. Speaker, I really hope the House stands against the pending motion, with laid off workers and their effort to pay for private health insurance.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative GRAHAM: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of voting no on this and extending COBRA. The reason I do this is because I am one of those people who needed extended benefits. My family is typical of the types of families who needed this and continue to need it. I was between jobs and the only job I could get was part-time, per diem, with no benefits. I carried

health insurance in my family. My husband works out of our house. I have two sons in college and a son at home. If we did not have this health insurance, if we did not have COBRA, I'd be up a very long creek without a paddle. Thankfully, my constituents decided to hire me and now I'm here and I have health insurance. So I strongly urge you to defeat this motion and Accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is true. The insurance industry and the business community did oppose this bill and for a lot of good reasons. I think we need to start listening to them more. They said that it would add more regulation to an already over-regulated insurance market, and that is 100 percent correct. They said that the existing COBRA laws give plenty of time and options for terminated employees, and they do. Nobody would go without insurance. If they wanted to look elsewhere, there are plenty of options available. There is a strong probability of adverse selection and increased claims for those enrolling would change the experience of that insurance pool, driving up business costs. I ask you to support the pending motion. We don't need this at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a small business man. I pay the full cost of health insurance for my employees and their families. Last year, my rates went up 34%. We are hanging on by our fingernails. If you want to send a message that you support small business in the State of Maine, I urge you to follow my light. 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. 15

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

NAY - Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill C, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Welsh.

ABSENT - Beaudoin, Chase, Crockett, Kaenrath, Martin, Pilon, Webster.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, and accordingly the Majority

Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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

On motion of Representative BENNETT of Kennebunk, the House adjourned at 11:07 a.m., until 10:00 a.m., Wednesday, April 6, 2011.