

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
38th Legislative Day
Thursday, April 28, 2011

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

Prayer by Reverend Kevin Bellinger, Bethel Alliance Church.
National Anthem by Emily Bellinger, Bethel.
Pledge of Allegiance.
Doctor of the day, Russell DeJong, M.D., Belgrade.
The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act Regarding Labor Contracts for Public Works Projects"

(S.P. 378) (L.D. 1257)

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

On motion of Representative TUTTLE of Sanford, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 142)

**STATE OF MAINE
125TH LEGISLATURE**

April 26, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to our authority under Title 10, MRSA, §929-A, we are pleased to appoint the following Senators and Representatives to the Maine Economic Growth Council:

Senator Christopher W. Rector of Knox

Senator Seth A. Goodall of Sagadahoc

Representative Dianne C. Tilton of Harrington

Representative Wesley E. Richardson of Warren

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

Sincerely,

S/Kevin L. Raye

President of the Senate

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 144)

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

April 27, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A §11, I am pleased to appoint Jay Wadleigh of Belgrade to the Citizen Trade Policy Commission. Mr. Wadleigh is the Vice President of

Local 6, the International Association of Machinists, at Bath Iron Works, and will serve as a person who is active in the organized labor community.

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

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 143)

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

April 28, 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 following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Labor, Commerce, Research and Economic Development

L.D. 1050

An Act To Encourage the Promotion of Outdoor Recreational Activities

L.D. 1171

An Act To Amend the Pine Tree Development Zone Laws To Provide a Better Measurement of Per Capita Income (EMERGENCY)

L.D. 1288

An Act To Amend the Pine Tree Development Zone Laws Regarding Average Weekly Wages

Transportation

L.D. 883

Resolve, To Name the Katahdin Rest Area on Interstate 95

L.D. 945

Resolve, To Require the Commissioner of Inland Fisheries and Wildlife To Submit a New Design for the Sportsman Registration Plate

L.D. 970

An Act To Increase Safety for Law Enforcement Officers and Emergency Responders

L.D. 1047

An Act Pertaining to Vehicle Registrations

L.D. 1052

An Act To Require Equal Treatment of All Roads in a Road Association

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Heather J.R. Priest

Clerk of the House

READ and with accompanying papers 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:

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine"

(H.P. 1119) (L.D. 1525)

Sponsored by Representative KESCHL of Belgrade. (BY REQUEST)

Cosponsored by Representatives: COTTA of China, DAMON of Bangor.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Encourage the Creation of Jobs through Development of Maine's Solar Industry"

(H.P. 1121) (L.D. 1527)

Sponsored by Representative RUSSELL of Portland.

TRANSPORTATION

Bill "An Act Honoring Gold Star Families through Special Registration Plates"

(H.P. 1123) (L.D. 1529)

Sponsored by Representative MOULTON of York. (GOVERNOR'S BILL) Cosponsored by Senator COLLINS of York and Representatives: BEAUDOIN of Biddeford, BEAULIEU of Auburn, BRIGGS of Mexico, BURNS of Whiting, BURNS of Alfred, CEBRA of Naples, CORNELL du HOUX of Brunswick, COTTA of China, CRAY of Palmyra, CROCKETT of Bethel, CUSHING of Hampden, DAVIS of Sangerville, DOW of Waldoboro, ESPLING of New Gloucester, FOSTER of Augusta, GIFFORD of Lincoln, GILLWAY of Searsport, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HOGAN of Old Orchard Beach, JOHNSON of Eddington, JOHNSON of Greenville, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, LIBBY of Waterboro, LONG of Sherman, MAKER of Calais, MALABY of Hancock, McCLELLAN of Raymond, McFADDEN of Dennyville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, NASS of Acton, NEWENDYKE of Litchfield, O'CONNOR of Berwick, PARKER of Veazie, PICCHIOTTI of Fairfield, PLUMMER of Windham, RICHARDSON of Carmel, SARTY of Denmark, SOCTOMAH of the Passamaquoddy Tribe, THERIAULT of Madawaska, TIMBERLAKE of Turner, VOLK of Scarborough, WATERHOUSE of Bridgton, WEAVER of York, WILLETTE of Mapleton, WILLETTE of Presque Isle, WOOD of Sabattus, Senator: THOMAS of Somerset.

VETERANS AND LEGAL AFFAIRS

Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability"

(H.P. 1120) (L.D. 1526)

Sponsored by Representative HINCK of Portland. Cosponsored by Senator JACKSON of Aroostook and Representatives: BELIVEAU of Kittery, CAREY of Lewiston, CORNELL du HOUX of Brunswick, DILL of Cape Elizabeth, KRUGER of Thomaston, RUSSELL of Portland, TREAT of Hallowell, Senator: BARTLETT of Cumberland.

Bill "An Act To Amend the Election Laws and Other Related Laws"

(H.P. 1122) (L.D. 1528)

Sponsored by Representative CROCKETT of Bethel. Cosponsored by Senator TRAHAN of Lincoln and Representative: ROSEN of Bucksport. Submitted by the Secretary of State pursuant to Joint Rule 204.

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

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 20)

ORDERED, that Representative Douglas K. Damon of Bangor be excused April 26 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James S. Gillway of Searsport be excused April 26 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

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

Signed:

Senators:

TRAHAN of Lincoln
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-41)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Under suspension of the rules, members were allowed to remove their jackets.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks"

(H.P. 243) (L.D. 282)

Signed:

Senators:

GERZOFKY of Cumberland

WHITTEMORE of Somerset

Representatives:

BLODGETT of Augusta
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
PLUMMER of Windham
BURNS of Whiting
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

MASON of Androscoggin

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Increase the Collection of Sales and Use Tax"

(H.P. 362) (L.D. 469)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-122)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-123)** on Bill "An Act To Exempt Retired Military Pay from State Income Tax"

(H.P. 477) (L.D. 647)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:

Representative:

BRYANT of Windham

READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-123)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 3, 2011.

CONSENT CALENDAR

First Day

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

(H.P. 572) (L.D. 765) Bill "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-130)**

(H.P. 668) (L.D. 909) Bill "An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-126)**

(H.P. 882) (L.D. 1191) Bill "An Act To Encourage Business Development by Limiting the Time a Utility May Hold a Business Customer's Deposit" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended** by **Committee Amendment "A" (H-127)**

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. 96) (L.D. 316) Bill "An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances" (EMERGENCY)

(S.P. 178) (L.D. 595) Bill "An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court"

(S.P. 221) (L.D. 731) Bill "An Act To Terminate the Authorization of the Maine Self-Insurance Guarantee Association To Serve as a Statistical Advisory Organization for Self-insurers"

(S.P. 279) (L.D. 891) Bill "An Act To Amend the Maine Consumer Credit Code Regarding Interest Charged on Deferred Payments"

(S.P. 364) (L.D. 1243) Resolve, To Direct the Bureau of Consumer Credit Protection To Recommend Changes to Credit Reporting Laws Concerning Paid Debts

(S.P. 216) (L.D. 727) Bill "An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts" (C. "A" S-43)

(S.P. 240) (L.D. 796) Bill "An Act To Continue the Axle Fine Waiver during the Midwinter Season" (C. "A" S-40)

(H.P. 241) (L.D. 297) Bill "An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures"

(H.P. 416) (L.D. 533) Bill "An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development"

(H.P. 440) (L.D. 557) Bill "An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding" (EMERGENCY)

(H.P. 275) (L.D. 349) Bill "An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project" (C. "A" H-124)

(H.P. 356) (L.D. 463) Bill "An Act Concerning Policy Objectives of the Public Utilities Commission" (C. "A" H-121)

(H.P. 397) (L.D. 504) Bill "An Act To Allow Consumer Refunds or Exchanges of Unopened Bottles of Spirits" (C. "A" H-119)

(H.P. 411) (L.D. 528) Bill "An Act To Change the Frequency of Wine Tastings Allowed in a 12-month Period" (C. "A" H-118)

(H.P. 463) (L.D. 633) Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws" (C. "A" H-120)

(H.P. 657) (L.D. 890) Bill "An Act To Create the Anson and Madison Water District" (EMERGENCY) (C. "A" H-116)

(H.P. 754) (L.D. 1018) Bill "An Act To Amend the Charter of the Anson Water District" (C. "A" H-117)

(H.P. 939) (L.D. 1280) Bill "An Act To Establish a Pilot Physical Education Project in Four Maine Schools" (EMERGENCY) (C. "A" H-125)

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

Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students

(H.P. 708) (L.D. 964)

House as Amended

Bill "An Act Designating March 29th Vietnam Veterans Day" (EMERGENCY)

(H.P. 12) (L.D. 20)

(H. "D" H-104 to C. "A" H-29)

Resolve, To Increase the Amount Tagging Agents Receive for Tagging Game

(H.P. 467) (L.D. 637)

(C. "A" H-105)

Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Highly Qualified (EMERGENCY)

(H.P. 546) (L.D. 715)

(C. "A" H-115)

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

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 387) (L.D. 494)

(C. "A" H-76)

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

On motion of the Representative CURTIS of Madison, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act To Allow the Transfer of Commercial Whitewater Rafting Trips under Extenuating Conditions

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

(C. "A" H-75)

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. 139 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.

Emergency Measure

An Act To Allow Employees of the Maine School of Science and Mathematics to Join the State's Group Health Plan

(H.P. 333) (L.D. 440)

(C. "A" H-83)

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. 133 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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

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

(C. "A" H-85)

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. 137 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.

Emergency Measure

Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism

(H.P. 302) (L.D. 376)
(C. "A" H-81)

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. 134 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.

Emergency Measure

Resolve, To Establish a Task Force on Franco-Americans

(H.P. 486) (L.D. 656)
(C. "A" H-88)

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

Representative **MARTIN** of Eagle Lake **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Gorham, Representative Knapp.

Representative **KNAPP**: Mr. Speaker, may I pose a question through the Chair?

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

Representative **KNAPP**: One is the cost and why is it an emergency measure? Thank you.

The **SPEAKER**: The Representative from Gorham, Representative Knapp, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. This is a bill that is being paid for by private funds. The funding mechanism allows donations to be made to the Legislative Council and those funds will then be used to pay for the task force.

The second part of the question, why is it an emergency measure, is it's because it's a timing question in terms of raising the funds and the report back and whatnot. It's just a timing issue.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, may I pose a question through the Chair?

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

Representative **WATERHOUSE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maybe the sponsor of the bill or somebody can point out where I'm wrong. I'm reading on the fiscal note that is on the paperless website, it says the general operating expenses of this task force are projected to be about \$4,410, and it says the legislative proposed budget includes \$10,000 from the fiscal year 2011 to 2012 and \$10,000 in fiscal year 2012 to 2013. Is that no longer in operation or is that still part of the budget?

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse, has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: My understanding, Mr. Speaker, when the fiscal note was looked at in regards to this bill, it was decided that the some of the sponsors of the task force would raise all the funds that would be required to do any of the work regarded for this. So I don't know what in regards to what it says in here, but the intent is that this is to be all funded by private monies.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Just further I will indicate the money is in fact does not come from the Legislative Council. The money will be going to the council and that will be dispersed from that source once the money is raised. The original note, of course, that is being referred to was with the original bill before it was amended by the committee.

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

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

ROLL CALL NO. 25

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

NAY - Libby, Waterhouse.

ABSENT - Bickford, Carey, Celli, Crockett, Dion.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow Farm Wineries To Charge for Wine Tastings
(S.P. 17) (L.D. 2)
(C. "A" S-25)

An Act To Provide Certainty to Businesses and Development
(S.P. 41) (L.D. 86)
(C. "A" S-33)

An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility

(H.P. 145) (L.D. 168)
(C. "A" H-86)
An Act To Improve Harbor Safety by Clarifying Requirements
for Maintenance Dredging Permits

(S.P. 91) (L.D. 311)
(C. "A" S-30)

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

(S.P. 95) (L.D. 315)
(C. "A" S-38)

An Act To Amend the Taste Testing of Wine Law

(S.P. 120) (L.D. 416)
(C. "A" S-29)

An Act To Appropriate Funds for the Maine Downtown Center

(S.P. 176) (L.D. 584)
(C. "A" S-37)

An Act Regarding Forensic Examination Kits

(H.P. 450) (L.D. 592)
(S.P. 193) (L.D. 613)

An Act To Clarify the Definition of "Employment" in the
Employment Security Law

(S.P. 193) (L.D. 613)
(C. "A" S-35)

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, To Leverage Federal Opportunities for Job Creation
in Maine

(H.P. 506) (L.D. 679)

Resolve, Directing the Maine Community College System To
Extinguish Certain Easements

(S.P. 358) (L.D. 1183)

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

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

UNFINISHED BUSINESS

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

**SENATE DIVIDED REPORT - Majority (9) Ought to Pass as
Amended by Committee Amendment "A" (S-20) - Minority (4)
Ought to Pass as Amended by Committee Amendment "B"
(S-21) - Committee on TAXATION on Bill "An Act To Exempt
from Income Tax the Income of Nonresidents Working in Maine
Pursuant to an Interlocal Agreement"**

(S.P. 137) (L.D. 433)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (S-20)**.

TABLED - April 7, 2011 (Till Later Today) by Representative
KNIGHT of Livermore Falls.

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

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

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

Representative KNIGHT of Livermore Falls **PRESENTED
House Amendment "A" (H-131) to Committee Amendment
"A" (S-20)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative
from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you very much, Mr.
Speaker. Mr. Speaker, Ladies and Gentlemen of the House.
This amendment actually is a very, very minor one but very major
to some of the folks in the State of Maine. All it does is it
essentially requires that in these interlocal agreements that no
Mainer who is currently holding a job would be replaced as a
result of the interlocal agreement. That is essentially all it does.
Thank you very much.

Subsequently, **House Amendment "A" (H-131) to
Committee Amendment "A" (S-20)** was **ADOPTED**.

**Committee Amendment "A" (S-20) as Amended by House
Amendment "A" (H-131)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May
3, 2011.

Expression of Legislative Sentiment Recognizing Brimwin
Peabody, of Scarborough, who is the recipient of the Red Cross
Heroes Youth Community Service Award

(HLS 250)

TABLED - April 13, 2011 (Till Later Today) by Representative
VOLK of Scarborough.

PENDING - **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative
from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr.
Speaker, Members of the House. I stand today to recognize an
extraordinary young Maine citizen. Brimwin Peabody is a second
grader at Pleasant Hill School in Scarborough.

After viewing the devastation in Haiti on TV last year, Brimwin
decided to act. He swims with Coastal Maine Aquatics and
asked permission to collect at his next swim meet. He has
continued to collect money at various swim meets and boy
scouting events and to date has actually raised over \$700. In
January, Brimwin was asked to present the money to Red Cross
CEO Dave Thompson live on WCSH's telethon. On March 24th
of this year, Brimwin received the American Red Cross Youth
Real Hero Award for southern Maine.

Hearing about Brimwin's concern for the people of Haiti
reminds me of when I was 10 years old and decorated a can,
made a poster and collected for the starving children in Ethiopia
that I had seen on TV. But I didn't stick with it the way that
Brimwin has. His generosity with his time and his tenacity are
indeed inspirational. If any of you would like to support Brimwin
in his efforts to help the people of Haiti, please see him or me
after the session. Now please join me in recognizing this
exceptional young man.

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

**HOUSE REPORT - Ought to Pass - Committee on
INSURANCE AND FINANCIAL SERVICES on Bill "An Act
Relating to Qualified Financial Contracts by Domestic Insurers"**

(H.P. 938) (L.D. 1279)

TABLED - April 26, 2011 (Till Later Today) by Representative
RICHARDSON of Warren.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was
ACCEPTED.

The Bill was **READ ONCE**.

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

Representative RICHARDSON of Warren **PRESENTED** House Amendment "A" (H-128), which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-128)** and sent for concurrence.

Bill "An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days"

(S.P. 462) (L.D. 1481)

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

TABLED - April 27, 2011 (Till Later Today) by Representative FLOOD of Winthrop.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 486)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 3, 2011, at 10:00 in the morning.

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

COMMUNICATIONS

The Following Communication: (H.C. 145)

**STATE OF MAINE
CLERK'S OFFICE**

**2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 28, 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 Veterans and Legal Affairs has approved the request by the sponsor, Senator Whittemore of Somerset, to report the following "Leave to Withdraw":

L.D. 797 An Act To Reform the Election Laws

Sincerely,

S/Heather J.R. Priest

Clerk of the House

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

SENATE PAPERS

Bill "An Act To Amend the Laws Relating to the Maine Public Employees Retirement System"

(S.P. 485) (L.D. 1524)

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

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

Bill "An Act To Improve MaineCare and Promote Employment"

(S.P. 481) (L.D. 1520)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses"

(S.P. 480) (L.D. 1519)

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 Make Technical Changes to Marine Resources Laws"

(S.P. 483) (L.D. 1522)

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

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

Bill "An Act To Improve the Maine Clean Election Act"

(S.P. 484) (L.D. 1523)

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.

CONSENT CALENDAR

First Day

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

(S.P. 125) (L.D. 421) Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-42)**

(S.P. 133) (L.D. 429) Bill "An Act To Clarify the Role of the Public Advocate" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

(S.P. 135) (L.D. 431) Bill "An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-47)**

(S.P. 190) (L.D. 610) Bill "An Act To Clarify the Procedure by Which a Salvage Company May Apply for a Motor Vehicle Title" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-45)**

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

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs"

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

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

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

On motion of Representative HAYES of Buckfield, the House adjourned at 11:37 a.m., until 10:00 a.m., Tuesday, May 3, 2011, pursuant to the Joint Order (S.P. 486).