

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
45th Legislative Day
Tuesday, May 17, 2011

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

Prayer by Reverend David Glusker, South China.

National Anthem by Falmouth Middle School Iron Twinkies Jazz Band.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

Dear Speaker Nutting:

This is to inform you that I am today nominating Glenn W. Burroughs of Lewiston for reappointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA, §151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Extend the School Year"

(H.P. 10) (L.D. 18)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205)** in the House on May 12, 2011.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 166)

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

May 16, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Glenn W. Burroughs of Lewiston for reappointment to the Workers' Compensation Board. This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 167)

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

May 16, 2011

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the student members of the Falmouth Middle School "Iron Twinkies" Jazz Band, who won the 2011 Maine State Jazz Band Championship in Division I. The band, under the direction of music teacher Jerry Barry, scored 98 out of 100 possible points. It is the 10th time in 11 years the school's band has been named the Maine State Jazz Band Champions. We send our congratulations and best wishes to the members of the band on this remarkable achievement;

(HLS 351)

Presented by Representative NELSON of Falmouth.

Cosponsored by Senator WOODBURY of Cumberland, Representative DION of Portland.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am pleased to acknowledge and honor Falmouth Middle School's state champion jazz band – The Iron Twinkies. Apparently, about 20 years ago a group of students got together and were playing and decided that the band needed a name. They came up with the name The Iron Twinkies and it has stuck. So that's what we have, The Iron Twinkies.

These young people are carrying on a tradition of excellence in Falmouth – as you've heard, this is the 10th time in the past 11 years that they have been state champions. I am a passionate advocate for maintaining arts education within our core curriculum, and I believe that these young people are a wonderful example of the importance of this training. They participate in many activities in school, they are all excellent students, and they have achieved a high level of excellence in their group activity. I also congratulate their conductor/coach, Jerry Barry, for his superb work with this group of young people. I hope that you all enjoyed their rendition of "The Star Spangled Banner" and their concert before session this morning. Thank you, Mr. Speaker.

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

Recognizing:

the members of the Lewiston High School Cheerleading Team, winners of the 2011 Class A State Championship with a record-setting performance. We extend our congratulations and best wishes to them on this achievement;

(HLS 359)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's a great pleasure to recognize the Lewiston High School Cheerleading Team on winning the 2011 Class A State Championship with a record-setting performance. This is their third state championship in just six years. They also came in second in the New England Championships this year, losing first place by just two points. We salute them and their athleticism, teamwork, determination, spirit and dedication that led to their success this past year. I congratulate the team and their coaches on their outstanding achievement.

Subsequently, the Sentiment was **PASSED** and 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 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 the Town of Falmouth, which was named Top City to Live and Learn by Forbes Magazine and GreatSchools

(HLS 352)

TABLED - May 16, 2011 (Till Later Today) by Representative NELSON of Falmouth.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My husband grew up in Falmouth, Maine, and I have now lived in Falmouth for more than 30 years. All of our three boys went to school in Falmouth and graduated from Falmouth High School. They went to fine colleges, and felt that the education they received in Falmouth was very good. Kevin Grover, a second grade teacher in Falmouth, was the 2010 Maine Teacher of the Year. I often speak with people in Falmouth who state that they moved to Falmouth because of the quality of the public schools. It is that connection between a community's commitment to education and where people choose to live that is noteworthy.

It was therefore a particular pleasure when I learned several weeks ago of Falmouth's ranking in the second annual *Forbes Magazine* and GreatSchools, that Falmouth had been named the "Top City to Live and Learn," out of 17,000 communities and cities and from 49 states and the District of Columbia that were included in the study. Falmouth earned, as you've heard, a

perfect score of 100, the only town to do so. Falmouth was recognized for its focus on early intervention; on teacher quality, professional development and collaboration; on high expectations for all; on the use of data to guide instruction; on full school and community involvement in creating regular improvement plans; and a K-12 commitment to service learning. These are all issues that we discuss regularly in the Education Committee as we work to make Maine's public school system the best it can be.

I am delighted to offer congratulations from the House of Representatives to Falmouth as the Best Education Town in America. I want to recognize Superintendent Barbara Powers and her team of talented and dedicated teachers and administrators for their hard work, their creative solutions and problem solving, and their commitment to Falmouth, its public schools, and to every child. I congratulate all of the Falmouth students – over 2,200 – who understand the importance of their education and of becoming informed, involved, and caring young adults. Thank you, Mr. Speaker.

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

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli, who wishes to address the House on the record.

Representative **CELLI**: Thank you, Mr. Speaker. Today we are very fortunate to have with us Sister Mary Norberta. Earlier this year Sister Norberta was recognized as one of 52 women hospital and health care leaders by the national publication Becker's Hospital Review for her leadership and accomplishment in the areas of improving patient care, development of relationship between providers, and facilitation of organizational growth.

It is also fortunate for me to have someone like Sister Norberta who is close to God, you know for me to be nice to her. Sister Norberta is a wonderful person. I have had many experiences in hospitals across the nation and I can tell you Sister Norberta's hospital St. Joseph is second to none. I can also tell you that Sister Norberta has more than once saved this person, both physically and mentally. She is an absolute wonderful person. We are very fortunate in Bangor, the Bangor area and the whole State of Maine to have such a lady as Sister Mary Norberta. Thank you very much.

REPORTS OF COMMITTEE

Pursuant to Joint Rule 309

From the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

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

Received by the Clerk of the House on May 16, 2011, pursuant to Joint Rule 309.

READ.

Representative **CURTIS** of Madison moved that the House **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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. I'm just standing to note the passing of a good bill. By passing, I don't mean on the way to enactment, but the loss of a good bill and the disappearance of a good bill. This one is a little surprising to me. I don't want to take too long because it wasn't a major bill, it was

just a small bill. It was a consumer protection bill. It had good thinking in its origin and somehow got caught in the wrong place at the wrong time apparently. I won't repeat the story.

This is the bill that arose because of a gentleman, he used a payphone in Topsham to call home and found out that his 30 second call cost him \$30. The bill would have just made it possible for somebody in that situation to know before the call is connected how much the call would cost. If you recall, this is something that someone would learn if they call interstate, or it is something they would learn if they were making their intrastate call in another state like West Virginia. But for some reason consumers in Maine are going to be denied that information and it is still surprising to me. It's actually good that after you serve here for a few years, you can still be surprised by how bills live or die, sometimes by reasons you can't imagine.

This apparently is a good bill on the way to the bills' graveyard. I know we have to send a lot of bills to the graveyard. We have a lot of work to do to adjourn by June 15th. I will end my speech on this subject and thank you very much for giving me a moment.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

From the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

(H.P. 251) (L.D. 309)

Received by the Clerk of the House on May 16, 2011, pursuant to Joint Rule 309.

READ.

On motion of Representative CURTIS of Madison, **TABLED** pending **FURTHER ACTION** and later today assigned.

From the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers"

(H.P. 595) (L.D. 788)

Received by the Clerk of the House on May 16, 2011, pursuant to Joint Rule 309.

READ.

On motion of Representative CURTIS of Madison, **TABLED** pending **FURTHER ACTION** and later today assigned.

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)** on Bill "An Act To Revise Notification Requirements for Pesticide Application"

(H.P. 181) (L.D. 228)

Signed:

Senators:

SHERMAN of Aroostook
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
FOSTER of Augusta

GIFFORD of Lincoln
TIMBERLAKE of Turner

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

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

KENT of Woolwich
McCABE of Skowhegan
O'BRIEN of Lincolnville

READ.

Representative EDGECOMB of Caribou moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program"

(H.P. 654) (L.D. 887)

Signed:

Representatives:

EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)** on same Bill.

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
SANBORN of Gorham

READ.

On motion of Representative STRANG BURGESS of Cumberland, **TABLED** pending **ACCEPTANCE** of either 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 Change the Coyote Night Hunting Law"

(H.P. 687) (L.D. 927)

Signed:

Senators:

MARTIN of Kennebec

PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-246)** on same Bill.

Signed:

Representatives:

DAVIS of Sangerville
CLARK of Millinocket
CRAFTS of Lisbon
GUERIN of Glenburn

READ.

Representative DAVIS of Sangerville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** 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 Establish a Coyote Bounty Permit"

(H.P. 807) (L.D. 1072)

Signed:

Senators:

MARTIN of Kennebec
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
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 as Amended by Committee Amendment "A" (H-248)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

DAVIS of Sangerville
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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers"

(H.P. 900) (L.D. 1209)

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-247)** on same Bill.

Signed:

Representatives:

DAVIS of Sangerville
CRAFTS of Lisbon
GUERIN of Glenburn
WOOD of Sabattus

READ.

On motion of Representative DAVIS of Sangerville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

Representatives:

COTTA of China
BOLDUC of Auburn
CELLI of Brewer
HARVELL of Farmington
TURNER of Burlington

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

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford
CASAVANT of Biddeford
GRAHAM of North Yarmouth
KAENRATH of South Portland
MOULTON of York

READ.

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to explain a little bit about this particular bill. This is something that would take care of local paid newspapers out of the business of doing public notices, municipal notices, at the choice of the municipality and allow for them to be electronic or to go to third class newspapers.

The reason that those of us who voted in the minority had is it's unfriendly to your local paid newspapers who have a tradition of having a historical record and being a buffer between the municipality and the legal system. The citizens, they review for compliance with the notification requirements. I just thought I just wanted to explain that to you, that I think your local papers would not be in support of this particular motion. So I wanted to urge you to vote against this. Thank you.

Representative **CELLI** of Brewer **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is one of the rare times, actually it's one of the times, I do this all the time, I made a mistake. I did not sign off on this bill in the right manner and we would actually be looking at a Majority Report, Ought Not to Pass.

It is my firm belief that having been in municipal government, as many of you have, that it is very hard to get these notices out to the public. There is already a lot of people that would come and tell us "Hi, we didn't know about this," yet it was in the paper. If we take it out of the paper and just put it in the third class newspaper or on the internet, there is going to be a lot fewer people that get the message.

I believe it's very important for transparency in government. This is pretty blind on municipal government. Yes, I know it costs municipal governments money, but there is a cost to doing the people's business and the people need to know when their business is being done. So therefore, I am asking that you vote against the Majority Report so that we can move the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Despite statements to the contrary, this bill is not an attempt to limit access to government information. It is not an attempt to conduct the public's business in secret – precisely the opposite.

There is a prevailing theme this legislative session to try to implement more cost effective ways to provide services at all levels of government and LD 392 provides a tool for local government to achieve that goal in a very responsible way.

In current statute, Title 1, section 601, municipalities are required to post legal notices and advertisements in newspapers of general circulation that are mailed second class. That's the only requirement. But it is in fact a requirement, it is a mandate. Under this law, municipalities must put those notices in the state's largest daily and weekly newspapers, regardless of the effectiveness of that notice in that municipality.

As a result, towns are duplicating public notice in their advertising efforts in order to get the word out. They are publishing them in those required papers, and in addition they are paying to publish them in other circulations that are more effective in meeting the needs.

LD 392, unlike the statement of the good Representative from Sanford, does not in fact take local papers out of the business of municipal notice publication at all. It simply broadens the tools available to the municipally so that in fact they could do what is most effective in their local community. If LD 392 were to pass, municipalities who choose to use some other means, then there are limits to those means. They would have to adopt a publication policy locally. That policy would have to address how they would handle it and it is not, as the good Representative from Brewer suggests, a wholesale movement of these notices to the internet. Using the internet is an option only under certain circumstances in that publication policy that's in the bill.

LD 392 would allow local governments to maximize the use of limited taxpayer dollars by meeting the existing statutory legal notice posting requirements in a more cost-effective manner. It doesn't presuppose what that would be and for many municipalities there may be in fact no change. This simply recognized that there are more tools available in some communities, alternate tools may in fact be more effective, and it would be a better use of that local taxpayer dollar to have those options available.

Again, I want to stress this legislative session, one of our most significant themes is to implement cost-effective ways for providing the services at all levels of government and LD 392 simply provides a tool that would allow local governments to re-access how they are doing that in the most cost-effective way, providing those legal notices. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can add little to what the Representative from Buckfield, Representative Hayes, has mentioned, but I want to highlight a few things that really were misleading.

First of all, if you look at the bill, it goes beyond the newspapers who are serving the municipality, because what the bill says is that all of the houses, all of the families within that municipality must receive that paper. As you have with a newspaper, you may have, in my area, for example, I have two publications. You can get the one from Waterville, the one from Augusta, or you may not get a paper at all. This requirement in this bill, 392, one of the requirements to use the alternative paper is they must get it. I mean if you look at the density and penetration of the market and the assurance of getting that information out there, this offers a better option.

Secondly, the third publications, as far as what this is, the alternative publication. This is talking about the requirement is that they keep it in the archives in the crypt or the vault, so there is a record of it. This in no way addresses the municipality's need for information in a lesser way, but it actually is in a better way than the current publication. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 51

YEA - Ayotte, Beaulieu, Beavers, Beliveau, Bennett, Bickford, Black, Bolduc, Burns DC, Cebra, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dion, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Fossel,

Foster, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Libby, Long, Maker, Martin, Mazurek, McClellan, McFadden, McKane, Morissette, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Valentino, Volk, Waterhouse, Weaver, Welsh, Willette A, Willette M, Wintle, Wood, Mr. Speaker.

NAY - Beaudoin, Beck, Berry, Blodgett, Boland, Briggs, Bryant, Burns DR, Cain, Carey, Casavant, Celli, Chase, Chipman, Clark H, Clarke, Cornell du Houx, Crockett, Dill J, Eberle, Flemings, Flood, Fredette, Gilbert, Goode, Graham, Harlow, Herbig, Hinck, Hogan, Kaenrath, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Malaby, Maloney, McCabe, Morrison, Moulton, Peoples, Peterson, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Wagner R, Webster, Winsor.

ABSENT - Chapman.

Yes, 91; No, 58; Absent, 1; Vacant, 1; Excused, 0.

91 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 1 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING**

Wednesday, May 18, 2011.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding the Hiring of Immediate Family Members in State Government"

(H.P. 637) (L.D. 840)

Signed:

Senators:

THOMAS of Somerset

COLLINS of York

Representatives:

COTTA of China

CELLI of Brewer

HARVELL of Farmington

KAENRATH of South Portland

MOULTON of York

TURNER of Burlington

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

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford

BOLDUC of Auburn

CASAVANT of Biddeford

GRAHAM of North Yarmouth

READ.

Representative COTTA of China moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative BOLAND of Sanford **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 Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was presented by former Representative, now Senator, Cynthia Dill, so because she's not here, I wanted to just read what she brought to the committee so you'll understand what this is about. She wrote, "As you know this issue came to the forefront in recent months with a specific situation in the chief executives office. I like many was surprised to learn that there was not statute to cover such a situation."

"This legislation requires the Governor, the Legislature and the constitutional officers to hire or promote staff within those offices based on qualifications and prohibits the hiring of family or household members. Further the bill prohibits an employee from supervising a family or household member of that employee, which includes a spouse, domestic partner..." and on like that.

"This bill is not an attempt to 'punish' anyone it simply seeks to bring Maine law in line with what 20 other states have done as well as the federal government. I want to note that the legislation will only apply to new hires not anyone currently employed by the state. Nor should it be taken that I am implying that employing a relative is in and of itself a bad idea."

"Elected officials and those in state government are caretakers of this state and its government. We as officials should take special care to ensure that even the appearance of preferential treatment is avoided. This legislation will provide assurance to the taxpayers of Maine (our ultimate employer) that their public servants are the most qualified and best choices to serve in those positions. As a public official that should be our most important duty."

I'd like to add that a civil service law and the rules governing the Legislature already have this policy in place. So what this would do, it would just make it consistent throughout the government. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to oppose the pending motion.

I heard a lot while campaigning and continued to hear a lot from my constituents as far as concerns for transparency and open government. I think this is one of those bills that our constituents would want us to support as we move forward to be more transparent and more open in regards to the process of the government, all laws governing the state. I feel that this is a very appropriate bill to go forward at this time and I hope that you'll follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill came before our committee, I actually tended to agree that it should be the case that nepotism shouldn't be allowed in these offices. When the sponsor of the bill, I spoke to her in an attempt to work out a compromise, I never heard from her. She didn't show up at committee. For the work session, I can only – well, you know, I can't judge anybody's motives, but at that point it seemed to me that it was very political and I'm not going to play that game.

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

Representative RUSSELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Many of us campaigned on the idea that we would create jobs in this state. The working class and a number of middle class folks are really struggling right now with high unemployment rates. We're not as high as the rest of the country's average, but we're certainly high. There are parts of the state that are much higher than certainly where I live. I kind of think that when the middle class and all the folks got out to vote last November, they envisioned that there would be different types of jobs created, not ones that benefit those of us who are elected to serve.

We have an opportunity to set a good example for the rest of the state today. We have an opportunity to make sure that they know that we have the state's interests at heart and not just our own interests. This is not retroactive. This is forward thinking. Unless anybody in this body is thinking about hiring their immediate family member for a job in state government, unless any member of this body is thinking about casting undue influence on folks to ensure that close family members, immediate family members get hired, I just can't think of any reason why I'd vote against it. Thank you, Mr. Speaker.

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. 52

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

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

ABSENT - Chapman, Haskell.

Yes, 85; No, 63; Absent, 2; Vacant, 1; Excused, 0.

85 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting Ought to Pass as Amended by Committee Amendment "A" (H-254) on Bill "An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles"

(H.P. 710) (L.D. 966)

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

BLODGETT of Augusta
HANLEY of Gardiner
HASKELL of Portland

READ.

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

The Bill was READ ONCE. Committee Amendment "A" (H-254) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Wednesday, May 18, 2011.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting Ought Not to Pass on Bill "An Act Regarding School Board Members and Their Spouses" (H.P. 749) (L.D. 1013)

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-250) on same Bill.

Signed:

Representative:

RICHARDSON of Carmel

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority Ought Not to Pass Report.

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)** on Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings" (H.P. 822) (L.D. 1110)

Signed:
Senators:
 LANGLEY of Hancock
 ALFOND of Cumberland

Representatives:
 RICHARDSON of Carmel
 LOVEJOY of Portland
 MAKER of Calais
 McFADDEN of Dennysville
 NELSON of Falmouth
 RANKIN of Hiram
 WAGNER of Lewiston

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

Signed:
Senator:
 MASON of Androscoggin

Representatives:
 EDGECOMB of Caribou
 JOHNSON of Greenville
 McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-251)** Report.

READ.

On motion of Representative RICHARDSON of Carmel, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-251)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 18, 2011.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Enhance Hunting for Maine Residents over 70 Years of Age" (H.P. 138) (L.D. 161)

Signed:
Senators:
 MARTIN of Kennebec
 PATRICK of Oxford
 TRAHAN of Lincoln

Representatives:
 DAVIS of Sangerville
 BRIGGS of Mexico
 CLARK of Millinocket
 EBERLE of South Portland
 ESPLING of New Gloucester
 GUERIN of Glenburn
 SARTY of Denmark

SHAW of Standish

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

Signed:
Representatives:
 CRAFTS of Lisbon
 WOOD of Sabattus

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 574) (L.D. 767) Bill "An Act To Amend and Clarify Certain Portions of the Dental Practice Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1050) (L.D. 1429) Bill "An Act To Amend the Laws Governing Prescription Monitoring Information" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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. 196) (L.D. 243) Bill "An Act To Ensure Emergency Communications for Persons with Disabilities"

(H.P. 464) (L.D. 634) Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential"

(H.P. 990) (L.D. 1349) Bill "An Act To Amend the Laws Governing the Handling of Medical Examiner Cases"

(H.P. 1115) (L.D. 1512) Bill "An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations"

(H.P. 1136) (L.D. 1549) Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel

(H.P. 106) (L.D. 124) Bill "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment" (C. "A" H-253)

(H.P. 306) (L.D. 380) Bill "An Act To Enhance Enforcement of Civil Orders of Arrest" (C. "A" H-241)

(H.P. 580) (L.D. 773) Bill "An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills" (C. "A" H-252)

(H.P. 631) (L.D. 834) Bill "An Act To Exempt Orthotics from Sales Tax" (C. "A" H-242)

(H.P. 716) (L.D. 972) Bill "An Act To Provide Administrative Support to the Citizen Trade Policy Commission" (C. "A" H-249)

(H.P. 720) (L.D. 976) Bill "An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer" (C. "A" H-243)

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

Senate as Amended

Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"
(S.P. 55) (L.D. 205)
(C. "A" S-90)

House

Bill "An Act To Prohibit Organized Retail Theft"
(H.P. 478) (L.D. 648)

House as Amended

Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures
(H.P. 517) (L.D. 688)
(C. "A" H-189)

Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"
(H.P. 632) (L.D. 835)
(C. "A" H-216)

Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"
(H.P. 634) (L.D. 837)
(C. "A" H-213)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **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.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1158)

Resolve, To Review the Laws Governing Slaughterhouses
(H.P. 682) (L.D. 922)
(C. "A" H-114)

- In House, **FINALLY PASSED** on May 5, 2011.

- In Senate, **FINALLY PASSED** on May 10, 2011.

On motion of Representative McCABE of Skowhegan, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-114)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-270)** to **Committee Amendment "A" (H-114)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. At this time, I'm almost feeling it might have been easier to let this actually be vetoed, but we actually all got through that and I feel that we're a better body for having achieved that.

This amendment removes one line of this Resolve, and the one line would have required the Department of Agriculture to respond in writing to requests regarding information for slaughterhouses. As many of you know I've been a big supporter of expanding opportunities for slaughterhouses here in the state, and I put this bill forward to hopefully streamline some of the regulations that exist here in the state regarding slaughterhouses and some of the challenges that they face. And as often when things make it to the second floor, it's discovered that there are minor hang-ups. So I provide this amendment today and I hope that it passes and that you will continue to support Maine agriculture with this amendment. Thank you for your time.

The **SPEAKER**: The Chair recognizes the Representative from Garland, Representative Wintle.

Representative **WINTLE**: Thank you, Mr. Speaker. I rise to second the Representative from Skowhegan's small business worthy. After going through that litany I felt the same way he did, but I'm going to just stand and support him because he got through that alive. Unfortunately, I don't think the livestock are going to make it through alive, but they'll make it through clean and he'll make a buck or two, and I'm in favor of that. Thank you.

Subsequently, **House Amendment "A" (H-270)** to **Committee Amendment "A" (H-114)** was **ADOPTED**.

Committee Amendment "A" (H-114) as Amended by **House Amendment "A" (H-270)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-114)** as Amended by **House Amendment "A" (H-270)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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.

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

TABLED - April 12, 2011 (Till Later Today) by Representative **CURTIS** of Madison.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative **MacDONALD** of Boothbay, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-53)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-87)** to **Committee Amendment "A" (H-53)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative Macdonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. After all of that, I'm not sure that we want to go through anymore. Again, it was quite a rigmarole. But I do have an important amendment that I hope you will consider to add to a good bill, which the Taxation Committee passed unanimously, but amended it. The bill that came from Taxation included only ground fishing boats.

The original bill that I had put in included lobstering boats within the realm of commercial fishing boats that would be covered under this bill. My amendment would add lobster boats back into the bill so that all commercial fishing boats in the State of Maine would be allowed this 5 percent fuel tax exemption.

You may know that there are some 6,000 or so lobster licenses in the State of Maine. Each one of those is a small business and each one of those could benefit by this tax exemption. As we're all aware, fuel prices are going up. We use fuel for our business, we also use it recreationally. But boats are very fuel intensive, Ladies and Gentlemen of the House. This reduction in that cost is at a time when fuel costs are going up and when other costs are unfavorable for the lobstering industry. For example, bait prices have doubled and their boat prices for their product for lobsters at the dock have been going down, so lobstering families are caught in a squeeze.

This bill, which was originally brought to me by a lobsterman from Boothbay, would benefit lobstering families and those businesses and their communities up and down the coast of Maine. That's all that it does. It adds them back in. I would urge you to support this amendment, to support these small businesses on the coast of Maine. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't belabor the point, but I, too, as many folks do, live on the coast and many folks who live in my district and who work in my district, lobster is a very important industry. I continue to hear from folks, and I'm sure many members of the House do too, that the costs are related to their gas prices, the gasoline, the diesel is just getting astronomical, and it's really becoming a burden.

Every time I see my lobstermen, they are consistently saying "Can you please do something about the fuel? It's just making it almost impossible for us to go out every day. We have to think twice about whether or not we're going to go out in the morning." You know how important that industry is to our entire state, so I hope that folks will support the motion and move this amendment forward. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Knapp.

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

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

Representative **KNAPP**: Has their been a fiscal note on this amendment and, if so, what is the amount of money please.

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 Boothbay, Representative Macdonald.

Representative **MacDONALD**: The original fiscal note on the bill was approximately \$457,000. As amended by the Taxation Committee – and I think the primary reason why they did amend it was to bring the fiscal note down – as amended, the bill was \$60,000 that it would cost the state. Adding back this amendment would bring the fiscal note back up to \$457,000. I would remind the House, or perhaps just tell the House, that our good Executive has indicated support for this kind of amendment or this sort of provision, and I believe that through both the Appropriations or the budget process a way will be found to accommodate this fiscal note. Thank you, Mr. Speaker.

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

Representative **WATERHOUSE**: Thank you, Mr. Speaker. This is a good amendment. The only reason Taxation Committee members reined it in a little bit is because of the fiscal note, to make it more compatible to the Appropriations Table. But if you look at it with a dynamic analysis, a lot of the people that came before the committee, the fishermen are now having all their fishing landings, taking them down to Gloucester, Massachusetts, and if this got through, a lot of the landings will come back to Maine and that will have a lot of spin-off. This is a good amendment and I support it.

Subsequently, **House Amendment "A" (H-87) to Committee Amendment "A" (H-53)** was **ADOPTED**.

Committee Amendment "A" (H-53) as Amended by House Amendment "A" (H-87) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-53) as Amended by House Amendment "A" (H-87)** thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-217)** - Committee on **TAXATION** on Bill "An Act To Improve the Maine Seed Capital Tax Credit"

(H.P. 14) (L.D. 22)

TABLED - May 16, 2011 (Till Later Today) by Representative **KNIGHT** of Livermore Falls.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OULD NOT TO PASS** Report.

Subsequently, Representative **KNIGHT** of Livermore Falls **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, on motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-217)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 18, 2011.

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

(H.P. 52) (L.D. 59)

(C. "A" H-72)

TABLED - April 14, 2011 (Till Later Today) by Representative **WATERHOUSE** of Bridgton.

PENDING - **PASSAGE TO BE ENACTED**.

Representative **CAIN** of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 53

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Celli, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hamper, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, 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 M, Wintle, Wood, Mr. Speaker.

NAY - Ayotte, Black, Burns DR, Edgcomb, Guerin, Harmon, Johnson D, Johnson P, Long, Waterhouse, Willette A, Winsor.

ABSENT - Chapman, Hanley.

Yes, 136; No, 12; Absent, 2; Vacant, 1; Excused, 0.

136 having voted in the affirmative and 12 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Resolution: (S.P. 505)

**JOINT RESOLUTION RECOGNIZING MAY 17, 2011 AS
DIABETIC PERIPHERAL NEUROPATHY ALERT DAY**

WHEREAS, diabetes is one of the most prevalent and costly chronic diseases in the United States, and it is estimated that 23.6 million Americans, or 7.8% of the population, including approximately 77,000 Maine residents as of 2005, have the disease, a serious illness that has no cure; and

WHEREAS, another 57 million Americans, or one in 5 Americans, have prediabetes, a condition that puts them at greater risk for developing type 2 diabetes, and the prevalence of diabetes in Maine has been steadily rising, with a 50% increase in nongestational diabetes since 1994; and

WHEREAS, Maine has the highest rate of diagnosed nongestational diabetes in New England, and, among 10 other rural states with similar demographics, Maine ranked 2nd only to West Virginia in the prevalence of diagnosed diabetes; and

WHEREAS, diabetes is a leading cause of chronic disease mortality in the United States, and prevention of the disease is achievable only with education and regular medical care, including recommended testing and self-management practices; and

WHEREAS, diabetes can affect anyone, young and old alike, and minority populations have a higher prevalence of diabetes, especially the Hispanic, African-American, Asian and Native American populations, and minority populations in America have an increased risk for developing type 2 diabetes; and

WHEREAS, the American Diabetes Association estimates that about 60% to 70% of people with diabetes have mild to severe forms of nervous system damage due to diabetic

peripheral neuropathy, which is a serious condition that damages nerve fibers due to the prolonged exposure to high amounts of glucose in the blood; and

WHEREAS, diabetic peripheral neuropathy sometimes causes intense chronic pain, including aching, tingling, burning and numbness of the feet, although most patients with this neuropathy have no symptoms but lose sensation in the feet and are at increased risk for falls and complications such as foot ulcers; and

WHEREAS, the rate for amputation of limbs in people with diabetes is 10 times higher than for people without diabetes, and in the United States more than 60% of nontraumatic lower limb amputations occur in people with diabetes; and

WHEREAS, diabetic peripheral neuropathy accounts for more diabetes-related hospitalizations than any other complication and many hospitalizations and deaths can be prevented by better management of the disease, including annual foot exams that encompass testing and treatment of diabetic foot issues; and

WHEREAS, in 1999, The Neuropathy Association found that 8.6% of all Medicare recipients had peripheral neuropathy as their primary or secondary diagnosis, with peripheral neuropathy treatment accounting for approximately 14 million Medicare claims at an approximate cost of \$3.5 billion dollars; and

WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering devastating irreversible complications; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to indicate our support for public awareness efforts to inform people of the many dangers posed by diabetes and in particular what steps to take to delay or prevent diabetic peripheral neuropathy; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature recognize that May 17, 2011 is Diabetic Peripheral Neuropathy Alert Day in Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services, the American Diabetes Association's Maine affiliate and The Neuropathy Association.

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

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

On motion of Representative MACDONALD of Boothbay, the House adjourned at 11:47 a.m., until 10:00 a.m., Wednesday, May 18, 2011.