

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
51st Legislative Day
Thursday, May 26, 2011

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

Prayer by Reverend Deborah Shipp, Eliot United Methodist Church.

National Anthem by Monmouth Middle School Chorus.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Economic Incentives to Businesses for the Collection of State Taxes"

(H.P. 896) (L.D. 1205)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256) AND HOUSE AMENDMENT "A" (H-302)** in the House on May 23, 2011.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State (PUBLIC LAND)

(S.P. 341) (L.D. 1132)

(C. "A" S-55)

- In House, **FINALLY PASSED** on May 16, 2011.

- In Senate, **FINALLY PASSED** on May 16, 2011, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 510.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55) AS AMENDED BY SENATE AMENDMENT "A" (S-152)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"

(H.P. 632) (L.D. 835)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216)** in the House on May 17, 2011.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel

(H.P. 636) (L.D. 839)

Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)** in the House on May 25, 2011.

Came from the Senate with the Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 185)

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

May 26, 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":

Agriculture, Conservation and Forestry

L.D. 17 An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

L.D. 1258 An Act To Improve Land Use Planning and Permitting in Unorganized Territories

Criminal Justice and Public Safety

L.D. 1363 An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs

L.D. 1556 An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police

L.D. 1565 An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder

Taxation

L.D. 459 An Act To Improve Municipal Reimbursement under the Maine Tree Growth Tax Law

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**.

The Following Communication: (S.C. 403)

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

May 24, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

With reference to the Senate's action whereby it Insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings" (H.P. 822) (L.D. 1110).

The President has appointed as conferees on the part of the Senate the following:

- Senator Garrett P. Mason of Androscoggin
- Senator David R. Hastings of Oxford
- Senator G. William Diamond of Cumberland

Sincerely,

S/Joseph G. Carleton Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 404)

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

May 24, 2011

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised the Senate today insisted to its previous action whereby it Failed to Engross Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices" (H.P. 318) (L.D. 392)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

Doctor of the day, A. Jan. Berlin, M.D., South Freeport,

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 24)

ORDERED, that Representative Bruce A. Bickford of Auburn be excused April 27 and 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph Chapman of Brooksville be excused May 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused May 23 and 24 for personal reasons.

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

AND BE IT FURTHER ORDERED, that Representative Megan M. Rochelo of Biddeford be excused May 23 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Nicholas Phinney, of Damariscotta, a junior at Lincoln Academy, who was selected to tour with the Sousa International Honors Band on its annual Concert Tour of Europe. Students are chosen to participate in this tour based on a demonstrated excellence in performance. Notably, Nicholas, a tuba player, was the only student selected for this tour from Maine. He was also selected to attend the John Philip Sousa National Honor Bands - New England region, the All Eastern Music Festival and the Maine District III High School Honors Festival. We extend our congratulations to Nicholas Phinney on these outstanding accomplishments and send our best wishes for continued success;

(HLS 430)

Presented by Representative McKANE of Newcastle.

Cosponsored by Senator TRAHAN of Lincoln.

On **OBJECTION** of Representative McKANE of Newcastle, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

In Memory of:

United States Army Private First Class Buddy McLain, of Peru, who died on November 29, 2010 as a result of enemy fire in Afghanistan. Private McLain was born in Portland and was a 2006 graduate of Mountain Valley High School. He served with the 2nd Squadron, 61st Cavalry, 4th Brigade Combat Team, 101st Airborne Division. He was a member of the Napoleon Ouellette Post 24, American Legion and Rumford Falls Aerie 1248, FOE. We acknowledge Private First Class McLain's dedicated military service, and we recognize the ultimate sacrifice he made for his country. He will be greatly missed and long remembered by his loving family, his many friends and his grateful Nation;

(HLS 393)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford, Representative PETERSON of Rumford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in honor and in memory of Private First Class Buddy McLain. At 24 years old Buddy was killed on Monday, November 29, 2010, by enemy fire while on a military mission in Afghanistan. Buddy was one of six soldiers killed when a lone gunman from the Afghan border police shot and killed five members of the 101st Airborne Division, then turned and killed a sixth before being killed by American soldiers.

Buddy graduated from Mountain Valley High School in 2006. He served in the U.S. Army with the 2nd Squadron, 61st Cavalry, 4th Brigade Combat Team, 101st Airborne Division. Buddy enjoyed fishing and spending time at Howard Pond in Hanover, Maine. He enjoyed riding dirt bikes and especially loved his Ford Mustang. He was an avid Yankees fan, but he also loved the New England Patriots. He enjoyed ice fishing, camping, playing his guitar and music, especially AC/DC and Pink Floyd.

The most important part of Buddy's life was spending time with his family and friends. Buddy married his high school sweetheart Chelsea Freeman, of Peru, on March 11, 2009. He cherished the time he spent with his wife and infant son Owen, who is now 21 months old. Buddy is also survived by his mother of Mexico, his father of Rumford, and three brothers. Buddy will be missed by all who knew him and his memory will live on through his son Owen. The family is not here today as I will be presenting this Legislative Sentiment to his family at a Memorial Day celebration on Monday in Mexico, but I felt that I could not let this Sentiment pass without standing to recognize and remember Buddy McLain. Buddy was very proud to serve his country and always wanted to come home a hero. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House.

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

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.

Expression of Legislative Sentiment Recognizing the Catherine McAuley High School Girls Basketball Team

(HLS 294)

TABLED - May 3, 2011 (Till Later Today) by Representative HARLOW of Portland.

PENDING - **PASSAGE**.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to briefly rise and congratulate the McAuley Basketball Team for their winning season and for being such good representatives for McAuley High School and for our community. I know that Representative Lovejoy is going to rise and give more details. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you very much, Mr. Speaker. I feel like Representative Harlow may have set me up a little bit here, but that's all right. I want to rise. I have some strong relationships with McAuley. It is an incredible school that does an incredible job for young women. My daughter graduated in '96, my stepdaughter graduated in 2004, but I have to commend this team because I remember my daughter spending four years playing basketball for McAuley and they never won a game. They've come a long, long way and these young women have done an incredible job for their school and their communities. 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. I am a proud graduate of Catherine McAuley High School and the Class of 1976 and I too played on the basketball team. We were slightly more successful than what Representative Lovejoy just spoke of. Congratulations ladies. It is a pleasure to watch you from afar. Job well done.

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 want to congratulate the girls from Catherine McAuley. I didn't get to see them play this year, but my daughter did. My daughter is playing at King Middle School. She saw those girls play at Catherine McAuley and she came back with some new moves, new inspiration. She was ready to go. I know how good they must be.

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

Expression of Legislative Sentiment Recognizing Sister Edward Mary Kelleher, of Portland

(HLS 296)

TABLED - May 3, 2011 (Till Later Today) by Representative HARLOW of Portland.

PENDING - **PASSAGE**.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Sentiment is particularly special to me because Sister Edward Mary was my high school principal at Catherine McAuley High School and also my much older sister's principal when she was in high school. I feel very confident saying that every student who graduated from McAuley had the same experience with Sister Edward Mary that I had. She was always fair, positive, and energetic. She is undoubtedly one of the nicest people you could ever know. She must be to put up with teenagers like myself. Years after graduating, I coached at McAuley. All the young women thought the world of her and she was exactly the same as I had remembered her from my high school years.

Just a small piece of trivia that is maybe of interest is Sister Edward Mary's twin brother, the Honorable Edward Kelleher, served in this chamber in the '80s. She took his name as her religious name when she became a Sister of Mercy. I am honored to stand here and thank her for her years of dedicated service to the school and the community and I actually was asked before session if I was still afraid of Sister Edward Mary and I said I don't think anyone was really afraid of Sister Edward Mary. They respect her, but she was just really nice. She will definitely be a tough act to follow. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. I rise to speak about Sister Edward Mary. I have to tell you that she has done an incredible job at that school, but one of the earliest times that I met her as part of a class building exercise, they were doing an overnight for all of the girls in the school. At 3 am when I was dragging myself around and barely staying awake, Sister Edward Mary came walking through looking like it was 8:30 in the morning with a tremendous amount of energy and enthusiasm, and she's brought that through to all of her students all the way through.

I know many graduates between my daughter and my stepdaughter and they all speak so highly of her. She will certainly be missed there. But I will tell you that one of the things that gives you an idea of how well she is liked, if you've ever seen McAuley when they've won a state championship, the athletes all take the trophy over to their principal and give her a hug. Why, because she is the inspiration for that school. I want to ask you how many times we've all seen the athletes go over and take the trophy to their coach, how many of you have seen repeatedly they go over to the principal first?

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I also want to congratulate her on her retirement. Sister Edward Mary, for me, was my source of strength when her brother served in the Legislature. I always knew when Eddie got into trouble that I could always call her and things were going to be straightened out. I really am pleased to see her today and congratulate her.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)** on Bill "An Act To Create a Sales Tax Holiday for Energy-efficient Appliances and Fixtures"

(H.P. 369) (L.D. 476)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

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:

Senator:

WOODBURY of Cumberland

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-337)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-337)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)** on Bill "An Act Regarding the Recognition of Corporate Entities for Tax Purposes"

(H.P. 432) (L.D. 549)

Signed:

Senator:

TRAHAN of Lincoln

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 Not to Pass** on same Bill.

Signed:

Representatives:

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

READ.

Representative KNIGHT of Livermore Falls 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)** on Bill "An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets"

(H.P. 570) (L.D. 763)

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
WILLETTE of Presque Isle

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

Signed:

Senator:

PATRICK of Oxford

Representative:

VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-342)** Report.

READ.

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

The Bill was READ ONCE. Committee Amendment "A" (H-342) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-342)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Allow a Valid Claim against a Dissolved Corporation"

(H.P. 341) (L.D. 448)

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton

BEAULIEU of Auburn

FOSTER of Augusta

MOULTON of York

SARTY of Denmark

WATERHOUSE of Bridgton

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

Signed:

Senators:

BARTLETT of Cumberland

WOODBURY of Cumberland

Representatives:

DILL of Cape Elizabeth

MALONEY of Augusta

PRIEST of Brunswick

ROCHELO of Biddeford

READ.

Representative NASS of Acton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you, Mr. Speaker. The current law requires all claims against a dissolved corporation to be filed within three years of dissolution. This bill allows a valid claim against the dissolved corporation when there is insurance available.

This bill has three major flaws. The statute of limitations is not clear. Two, there will be no insured to assist the insurance company in the case. Three, who will be served the complaint if the corporation is completely dissolved. How can an insurance company defend this situation with no one from the corporation around? Lastly, the bill would increase the number of civil cases and encourage more frivolous litigation. Please follow my light and vote Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would ask you to vote against this motion and let me discuss this bill with you briefly.

As far as how you serve a dissolved corporation, right now you can serve a dissolved corporation for three years after the corporation has been dissolved. It is not going to make much difference whether it is three years or six years. The corporation is still dissolved, so let's not worry about that.

This is clearly an insurance bill and that's what we're talking about here. Let me tell you how this bill came about. There was a Mr. Godba and he was a truck driver for St. Johnsbury and among the things that he delivered were asbestos items from W.L. Blake. He found, unfortunately, in 2007 that he had mesothelioma. Mesothelioma is a disease which you get by handling asbestos. He filed suit against W.L. Blake in February of 2008. Unfortunately, W.L. Blake had dissolved itself in 2004.

He went to the court and said, wait a minute, this is wrong, I ought to be able to file suit here. I could not have known about this mesothelioma until I was diagnosed. It was diagnosed after the three-year period had run; there should be an exception here. The law court said, no, three years is it; if you want to change you go to the Legislature and get it changed there.

All this bill says is that if there is insurance – if there is insurance – you can sue under the regular statute of limitations which is normally six years after you knew or should have known that you had a disease caused by another action, in this case caused by the delivery of asbestos. That's all it does.

The recovery is limited to what is insurance. You don't go against the dissolved corporation as far as trying to get assets of the dissolved corporation. It is only insurance.

This is a reasonable bill and the only opposition we had there was one opponent and that was from the insurance industry. I urge you to vote against this Ought Not to Pass and to vote for the bill. Thank you.

Representative CAIN of Orono **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: 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. 86

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

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

ABSENT - Cushing, Dion, Hanley, Turner, Volk, Wintle.

Yes, 73; No, 71; Absent, 6; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Law Regarding Comparative Negligence"

(H.P. 768) (L.D. 1034)

Signed:

Senators:

HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
MOULTON of York
SARTY of Denmark
WATERHOUSE of Bridgton

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

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

DILL of Cape Elizabeth
MALONEY of Augusta
PRIEST of Brunswick
ROCHELO of Biddeford

READ.

Representative NASS of Acton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you. In keeping with the thought that a 30 second commercial is most effective, I will be brief.

Currently, the comparative negligence law prohibits recovery if the claimant is equally at fault or more at fault than the defendant. What could be more fair than that? As we heard at the public hearing, there shouldn't be a thumb on one side of the scale.

The current law has been in place in Maine for five decades which settles legal interpretation and precedence. This bill wants to amend the law to prohibit recovery if the claimant is found to be more at fault than the defendant. The few states that allowed this defense tend to have higher insurance rates. If this bill were passed it would cause significant and costly change. For some, this could mean the loss of life savings.

There is no compelling public policy argument for overturning this longstanding and fair statute. Please follow my light to reject this bill in voting Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me reiterate what this bill is about. When somebody sues somebody else the jury has to decide who is at fault. If they find that the defendant is more at fault than the plaintiff, then the plaintiff wins. If they find the plaintiff is more at fault than the defendant, the defendant wins.

What happens when the jury throws its hands up and says, geez, we can't decide, it looks to us it might be 50/50? Well, in most states in New England, the plaintiff is allowed to win and his damages are adjusted downward to take into account the fact that he is partially responsible. Those states are Vermont, New Hampshire, Massachusetts, and Connecticut. Maine is an outlier here. Maine is an outlier in saying that if it is 50/50, the plaintiff loses.

We think that Maine ought not to be an outlier and this is a question of insurance – again, insurance. Who testified against this bill? Two insurers in the Governor's Council. That is all the testimony we had against this bill. We think that it is time to end Maine's status as an outlier, give juries a chance to make the correct decision and to make the appropriate adjustment downward but still allow the plaintiff to recover, if in fact it is a 50/50 decision. Thank you.

Representative CAIN of Orono **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: 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. 87

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

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

ABSENT - Dion, Hanley, Turner, Volk, Wintle.

Yes, 74; No, 71; Absent, 5; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid" (H.P. 553) (L.D. 746)

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
KRUGER of Thomaston
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)** on Bill "An Act To Facilitate Local Food Production" (H.P. 289) (L.D. 363)

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
FOSTER of Augusta
GIFFORD of Lincoln
KENT of Woolwich
McCABE of Skowhegan
TIMBERLAKE of Turner

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

Signed:

Representative:

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 **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature (H.P. 599) (L.D. 804)

Signed:

Representatives:

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

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

MOULTON of York
TURNER of Burlington

READ.

Representative COTTA of China 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Preserve the Integrity of the Voter Registration and Election Process" (H.P. 1015) (L.D. 1376)

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)** on same Bill.

Signed:

Senator:
PATRICK of Oxford

Representatives:
CAREY of Lewiston
CHIPMAN of Portland
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-352)** Report.

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 365) (L.D. 472) Bill "An Act To Enhance the Security of Hospital Patients, Visitors and Employees" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**

(H.P. 817) (L.D. 1082) Bill "An Act Concerning the Protection of Personal Information in Communications with Elected Officials" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)**

(H.P. 1004) (L.D. 1365) Bill "An Act Regarding Protection Orders and the Prosecution of Domestic Violence Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)**

(H.P. 1103) (L.D. 1502) Bill "An Act To Amend the Maine Business Corporation Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)**

(H.P. 1123) (L.D. 1529) Bill "An Act Honoring Gold Star Families through Special Registration Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)**

(H.P. 1129) (L.D. 1537) Bill "An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** as Amended and sent for concurrence.

(H.P. 1130) (L.D. 1538) Bill "An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-354)**

On motion of Representative CEBRA of Naples, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. I rise and object to item 7-7, LD 1538, today, so that I could just recognize the hard work and the long hours that were put in on this bill. This bill has got a long title. It is about a paragraph long. But I kind of nicknamed it, so I didn't have to go through the whole title, "The Turnpike Reset Bill."

This bill is a response to the Government Oversight Committee, their work on the OPEGA report that had come out very early this year, end of last year, on the Maine Turnpike Authority. That report had come out with several items that were needed to bring reform to the Maine Turnpike Authority so that we could get proper oversight over the Turnpike Authority, so that we could have that legislative oversight over the board and then the oversight of the board over the executive director needed to provide a clear picture, a clear understanding of the operations and the financing of the Turnpike Authority.

I'd like to really stand here this morning and thank the Government Oversight Committee for their work. I'd like to thank Senator Hill of the other body for her work on this bill. I'd like to thank the tireless work of the entire Government Oversight Committee, painstakingly going through the issues that have been in front of the Turnpike Authority, and those issues have been addressed. This bill addresses those major concerns. The Transportation Committee got those recommendations from the Government Oversight Committee, grabbed a hold of that, and we put this bill together as a completely nonpartisan group effort.

I'd like to thank Representative Mazurek, former chairman of that committee, for his tireless work, the rest of the members of the Transportation Committee. Senator Diamond and Senator Collins and Senator Thomas all worked together and some people may kind of chuckle when they hear that. But yes, Senator Thomas and Senator Diamond and Senator Collins were able to work to get this bill to where it needed to be so that we could have the oversight that we really need at the Turnpike Authority. The new interim executive director, the former Senator Mills, who is doing a bang-up job over there in turning around the culture that needs to be addressed, those changes that need to be addressed. This bill is a great example of everyone coming together with a common goal to be able to work towards fixing something that was broken. I thank everyone who has been involved.

And I'm going to ask, Mr. Speaker, for a roll call at this time, just so that this body can acknowledge the work of the Government Oversight Committee and the Transportation Committee and send a clear message to the Turnpike Authority that it is a new day at the Turnpike Authority and going forward, the items in this bill, in addition to a letter that the Transportation Committee has put together with the Turnpike budget that will be before this body in about a week, we will put into place those things now that need to be done at the Turnpike so that we can confidently go forward knowing that we will have the oversight we need there. I thank you, Mr. Speaker, and I do request a roll call.

Representative CEBRA of Naples **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous **Ought to Pass as Amended 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 Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also would like to say a few words regarding the hard work that the Transportation Committee has done in a rather difficult time. We all know what went on with the Turnpike. The OPEGA Committee did a great job of looking into it and then the Transportation Committee spent many hours putting together this bill, this LD, which I think is a step in the right direction. I think we are looking forward rather than backwards now and, to me, I think that is very important. The past is the past but we must look to the future. I think we're going to make in this bill recommendations, we're going to do certain things that will ensure that the Maine Turnpike Authority will operate in the type of manner that we would all be proud of. Chairman Cebra has done a very good job, along with Chairman Collins, Senator Diamond, and both caucuses worked very hard on this.

I am also pleased to say that up to this particular point I am very pleased on the reports that former Senator Mills has given us about what he has done. Since he has been appointed interim director, he has made a point and he came before us, I think about a week ago, and he said about 98 percent of what OPEGA found out has been corrected already. That is done in a very quick, very quick turnaround time. I urge people that I am glad that we are having a roll call on this. I think the committee deserves a positive vote and, again, I just want to say thank you to the committee for a job well done on this.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to quickly rise to thank the good Representative from Naples for his comments and on behalf of the Government Oversight Committee, and especially those who serve in the House here, I want to thank you very much for those words. This was a very difficult, long enduring process, but I can't tell you how gratified that I am with a bipartisanship that we had on that committee as we went through the months this winter, to go through hoards of information that had been produced by the OPEGA staff, who did an incredible job on this effort, this inquiry.

I also want to say that I think all of us agreed that we have a great highway, some wonderful employees that support it, and what has been done this winter and the results of OPEGA's efforts, the Government Oversight Committee, and the Transportation Committee is only going to make it better for those of us who use it and those who find themselves working there day in and day out to make it a better road for us. I want to thank all of you for your hard work and thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to thank everybody involved, especially the OPEGA Committee for coming up with the things that have to be fixed.

I mostly want to thank the new executive director, former Senator Peter Mills, who has really made it easy for this kind of a transition. He has done so much in his interim status so far and he has made the transparency of the budget. That will be very available now. There will be no hidden areas and everything, hopefully, will go smoothly from here. But I wanted to thank him and I wanted to go on the record for saying that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous

Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 88

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

NAY - NONE.

ABSENT - Clark H, Dion, Hanley, Turner, Volk, Wintle.

Yes, 144; No, 0; Absent, 6; Vacant, 1; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 6 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-354) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-354)** and sent for concurrence.

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

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

Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(S.P. 60) (L.D. 210)

(S. "B" S-147 to C. "A" S-136)

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

On motion of Representative McKANE of Newcastle, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS

Emergency Measure

An Act To Modify the Regulation of Fireworks

(H.P. 406) (L.D. 523)
(C. "A" H-328)

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. 112 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 Protect Owners of Private Property against Trespass

(H.P. 442) (L.D. 559)
(C. "A" H-312)

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. 116 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 Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission

(H.P. 667) (L.D. 908)
(C. "A" H-298)

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. 119 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 Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics

(H.P. 725) (L.D. 981)
(C. "A" H-315)

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

Representative HAMPER of Oxford **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.

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. 89

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode,

Graham, Guerin, Hamper, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Tuttle, Valentino, Waterhouse, Weaver, Webster, Welsh, Willette A, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Celli, Cushing, Dion, Hanley, O'Brien, Russell, Turner, Volk, Wagner R, Willette M, Wintle.

Yes, 139; No, 0; Absent, 11; Vacant, 1; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992

(H.P. 791) (L.D. 1056)
(H. "A" H-279 to C. "A" H-204)

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. 123 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 Concerning the Labeling of Maine Shellfish Products

(H.P. 1035) (L.D. 1409)
(C. "A" H-321)

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. 114 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 Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions

(H.P. 1041) (L.D. 1415)

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. 114 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 Streamline the Waste Motor Oil Disposal Site Remediation Program

(H.P. 1055) (L.D. 1434)
(C. "A" H-318)

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. 113 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 Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12

(H.P. 1074) (L.D. 1459)
(C. "A" H-266)

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. 112 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use

(H.P. 1106) (L.D. 1505)
(C. "A" H-325)

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. 116 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 Amend the Winthrop Utilities District Charter

(H.P. 1160) (L.D. 1577)

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. 120 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

Resolve, To Adjust Composting Limits for Farms

(H.P. 713) (L.D. 969)
(H. "A" H-233 to C. "A" H-196)

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. 121 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Improve the Maine Seed Capital Tax Credit

(H.P. 14) (L.D. 22)
(C. "A" H-217)

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

(H.P. 70) (L.D. 82)
(C. "A" H-289)

An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment

(H.P. 106) (L.D. 124)
(C. "A" H-253)

An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards

(H.P. 123) (L.D. 140)
(C. "A" H-255)

An Act To Improve Party Status Requirements

(H.P. 125) (L.D. 142)
(H. "A" H-184 to C. "A" H-41)

An Act To Amend the Laws Regulating Dealers of Agricultural, Industrial, Construction and Forestry Equipment

(H.P. 164) (L.D. 187)
(C. "A" H-324)

An Act To Amend the Standards by Which Law Enforcement Officers May Stop an All-terrain Vehicle Operating on Private Property

(H.P. 207) (L.D. 254)
(C. "A" H-160)

An Act Regarding Penalties for Opting Out of Paperless Billing

(S.P. 82) (L.D. 273)
(S. "A" S-132 to C. "A" S-118)

An Act Regarding Timber Harvesting on State Land

(S.P. 102) (L.D. 340)

An Act To Reduce Deer Predation

(H.P. 298) (L.D. 372)
(C. "A" H-311)

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

(H.P. 299) (L.D. 373)
(C. "A" H-269)

An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees

(H.P. 322) (L.D. 404)
(C. "A" H-262)

An Act To Reduce Certain Highway Fund Obligations

(H.P. 364) (L.D. 471)
(C. "A" H-280)

An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards

(H.P. 398) (L.D. 505)
(C. "A" H-297)

An Act To Prevent the Disclosure of Student Social Security Numbers

(H.P. 399) (L.D. 506)
(C. "A" H-292)

An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

(H.P. 435) (L.D. 552)
(C. "A" H-305)

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

(S.P. 156) (L.D. 564)
(S. "A" S-144 to C. "A" S-74)

LEGISLATIVE RECORD - HOUSE, May 26, 2011

An Act To Repeal the Laws Governing the Capital Investment Fund (S.P. 173) (L.D. 581) (H. "A" H-295)

An Act To Protect Animal Cruelty Investigations (H.P. 482) (L.D. 652) (C. "A" H-260)

An Act To Prevent HIV Transmission from a Pregnant Mother to a Child (H.P. 532) (L.D. 702) (C. "A" H-283)

An Act To Reduce Fines for Certain Trucking Violations (S.P. 211) (L.D. 722) (C. "A" S-114)

An Act To Amend and Clarify Certain Portions of the Dental Practice Laws (H.P. 574) (L.D. 767)

An Act To Repeal the Alternative Minimum Tax (H.P. 633) (L.D. 836) (C. "A" H-154)

An Act To Provide a Temporary License To Operate a Public Dance Establishment (H.P. 645) (L.D. 878) (C. "A" H-299)

An Act To Make Certain Synthetic Cannabinoids Illegal (H.P. 673) (L.D. 914) (C. "A" H-293)

An Act To Change the Coyote Night Hunting Law (H.P. 687) (L.D. 927) (H. "A" H-290 to C. "A" H-246)

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles (H.P. 710) (L.D. 966) (C. "A" H-254)

An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing (H.P. 743) (L.D. 1007) (C. "A" H-320)

An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program (H.P. 759) (L.D. 1023) (C. "A" H-285)

An Act To Increase the Transparency of the Unemployment Compensation Fund (H.P. 792) (L.D. 1057) (C. "A" H-286)

An Act To Improve Awareness of Smoking Policies in Maine Rental Housing (H.P. 802) (L.D. 1067) (C. "A" H-276)

An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws (H.P. 820) (L.D. 1108) (C. "A" H-275)

An Act To Amend the Motor Vehicle Laws (H.P. 835) (L.D. 1123) (C. "A" H-291)

An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit (H.P. 872) (L.D. 1174) (C. "A" H-267)

An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws (H.P. 932) (L.D. 1241) (C. "A" H-287)

An Act To Increase Efficiency of the State Court Library Committee (H.P. 935) (L.D. 1276)

An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants (H.P. 961) (L.D. 1315)

An Act To Repeal the Law Regarding DNA Collection (H.P. 964) (L.D. 1318)

An Act To Limit Interest Assessed against Municipalities (H.P. 984) (L.D. 1343) (C. "A" H-323)

An Act To Protect Seniors and Incapacitated or Dependent Adults from Abuse (H.P. 1013) (L.D. 1374)

An Act To Provide a Sales Tax Holiday (H.P. 1017) (L.D. 1384) (C. "A" H-288)

An Act To Restore Exemptions in the Natural Resources Protection Act (H.P. 1020) (L.D. 1387) (C. "A" H-317)

An Act To Amend the Laws Governing Prescription Monitoring Information (H.P. 1050) (L.D. 1429)

An Act To Adopt the Interstate Prescription Monitoring Program Compact (H.P. 1056) (L.D. 1435)

An Act To Amend the Charter of the Sanford Sewerage District (S.P. 464) (L.D. 1483) (C. "A" S-140)

An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council (H.P. 1093) (L.D. 1486)

An Act To Enhance Enforcement of Fish and Game Laws By Authorizing Maine To Enter into an Interstate Wildlife Violator Compact (H.P. 1112) (L.D. 1509)

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

Resolves

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants (H.P. 159) (L.D. 182) (C. "A" H-259)

Resolve, To Review the Laws Governing Slaughterhouses (H.P. 682) (L.D. 922) (H. "A" H-270 to C. "A" H-114)

Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid "Any Willing Provider" Requirements (H.P. 693) (L.D. 933) (C. "A" H-284)

Resolve, To Encourage State Agencies To Limit Their Use of Social Security Numbers

(H.P. 744) (L.D. 1008)
(C. "A" H-303)

Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians

(S.P. 406) (L.D. 1309)
(C. "A" S-141)

Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System

(H.P. 1124) (L.D. 1532)
(C. "A" H-278)

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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Proper Health Information Management"

(H.P. 466) (L.D. 636)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
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** on same Bill.

Signed:

Representative:

SANBORN of Gorham

READ.

On motion of Representative CURTIS of Madison, 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. 226) (L.D. 278) Bill "An Act To Amend the Law Governing Municipal Disbursement Warrants" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)**

(H.P. 997) (L.D. 1358) Bill "An Act To Amend the Requirements Concerning Restroom Facilities for Small Restaurants with Dual Liquor Licenses" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)**

(H.P. 1036) (L.D. 1410) Bill "An Act To Amend the Maine Administrative Procedure Act" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Had I been in the room for LD 981, I would have voted yea. Thank you.

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

Representative **CLARK**: Thank you very much, Mr. Speaker. If I was here and present and voting on LD 1538, Roll Call No. 88, I would have voted yea.

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

Representative **WAGNER**: Thank you, Mr. Speaker. Mr. Speaker, had I been in the room on LD 981, I would have voted yea.

SENATE PAPERS

The following Joint Order: (S.P. 511)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 31, 2011, at 10:00 in the morning.

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

The House recessed until 1:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 512)

**JOINT RESOLUTION HONORING THE
AZERBAIJAN COMMUNITY OF MAINE**

WHEREAS, Azerbaijani-Americans are an ethnic community with a recognized presence in our State, actively contributing to the regional diversity, intercultural understanding, peace and prosperity; and

WHEREAS, the Republic of Azerbaijan was proclaimed on May 28, 1918 and became the first secular democratic republic in the Turkic and Muslim world, among the first nation-states granting universal suffrage rights, and was recognized by other democratic nations, including the United States of America; and

WHEREAS, the Republic of Azerbaijan was an independent state from 1918 to 1920 and was a constituent state of the Union of Soviet Socialist Republics from 1922 to 1991. On October 18, 1991, the Parliament of Azerbaijan adopted the Constitutional Act of State Independence from the Soviet Union; and

WHEREAS, the Republic of Azerbaijan has an area of 33,400 square miles, including the enclave of Nakchivan and Karabakh region, and it is situated in the South Caucasus region of Eurasia; and

WHEREAS, the territorial integrity, state sovereignty and independence of the Republic of Azerbaijan have been unconditionally recognized and supported by the United States since 1992; and

WHEREAS, every year for the last 93 years, Azerbaijanis around the globe, who are one of the largest ethnic groups in the world with an estimated 45 million people, observe May 28th as National Day and remember the contribution of their forebears to the spread of democracy in the regions of the Caucasus, Central Asia and the Middle East; and

WHEREAS, as the continuation of its founders' guiding principles and promotion of common values of humanity and democracy, the Republic of Azerbaijan is a staunch ally and a strategic partner of the United States; and

WHEREAS, the Republic of Azerbaijan is an active member of the NATO Partnership for Peace program, and Azerbaijan troops participated side by side with Americans in the peacemaking operations in Kosovo, Afghanistan and Iraq; 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 honor Azerbaijani-Americans on May 28, 2011, Azerbaijan National Day.

Came from the Senate, **READ** and **ADOPTED**.
READ and **ADOPTED** 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. 283) (L.D. 895) Bill "An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 392) (L.D. 1271) Bill "An Act To Require Use of the Electronic Death Registration System" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)** on Bill "An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters" (EMERGENCY)

(S.P. 494) (L.D. 1547)

Signed:

Senators:

SNOWE-MELLO of Androscoggin
LANGLEY of Hancock
SULLIVAN of York

Representatives:

WEAVER of York
BELIVEAU of Kittery
CHAPMAN of Brooksville
KNAPP of Gorham
KUMIEGA of Deer Isle
MacDONALD of Boothbay
OLSEN of Phippsburg
PARRY of Arundel
TILTON of Harrington

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

Signed:

Representative:

KRUGER of Thomaston

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-156)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-156)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)** on Bill "An Act To Extend the Use of Underground Storage Tanks"

(S.P. 210) (L.D. 721)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc

SHERMAN of Aroostook

Representatives:

- HAMPER of Oxford
- AYOTTE of Caswell
- DUCHESNE of Hudson
- INNES of Yarmouth
- KNAPP of Gorham
- LONG of Sherman
- NASS of Acton
- PARKER of Veazie
- WELSH of Rockport

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

Signed:

Representative:

HARLOW of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "A" (S-142)** thereto.

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-119) was **READ** by the Clerk

Senate Amendment "A" (S-142) to Committee Amendment "A" (S-119) was **READ** and **ADOPTED**.

Committee Amendment "A" (S-119) as Amended by Senate Amendment "A" (S-142) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-119) as Amended by Senate Amendment "A" (S-142) thereto in concurrence.

ENACTORS

Emergency Measure

An Act To Modify the Laws Regarding Status as an Independent Contractor

(S.P. 437) (L.D. 1420)

(C. "A" S-150)

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. 120 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.

Acts

An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies

(S.P. 164) (L.D. 572)

(C. "A" S-138)

An Act To Require the Treasurer of State To Publish All State Liabilities

(S.P. 258) (L.D. 854)

(C. "A" S-148)

An Act To Amend the Sales and Use Tax Exemption for Aircraft

(S.P. 292) (L.D. 946)

(C. "A" S-155)

An Act To Establish the Maine Wild Mushroom Harvesting Certification Program

(S.P. 436) (L.D. 1407)

(C. "A" S-149)

An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable

(S.P. 463) (L.D. 1482)

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.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Shoreland Zoning"

(S.P. 70) (L.D. 219)

Signed:

Senators:

- SAVIELLO of Franklin
- GOODALL of Sagadahoc
- SHERMAN of Aroostook

Representatives:

- HAMPER of Oxford
- DUCHESNE of Hudson
- HARLOW of Portland
- INNES of Yarmouth
- KNAPP of Gorham
- NASS of Acton
- PARKER of Veazie
- WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)** on same Bill.

Signed:

Representatives:

- AYOTTE of Caswell
- LONG of Sherman

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

READ.

On motion of Representative HAMPER of Oxford, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect the Civil Rights of Citizens"

(S.P. 165) (L.D. 573)

Signed:

Senators:

- HASTINGS of Oxford
- BARTLETT of Cumberland
- WOODBURY of Cumberland

Representatives:

- NASS of Acton

BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)** on same Bill.

Signed:
Representatives:
SARTY of Denmark
WATERHOUSE of Bridgton

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

READ.
On motion of Representative NASS of Acton, the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-369)** on Bill "An Act To Amend the Laws Administered by the Department of Environmental Protection"

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

Signed:
Senators:
SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:
HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-370)** on same Bill.

Signed:
Representative:
HARLOW of Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-369)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-369)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-364)** on Bill "An Act To Allow a Snowmobile Registered in New Hampshire To Be Operated in This State"

(H.P. 729) (L.D. 993)

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

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

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

Signed:
Representative:
CLARK of Millinocket

READ.

Representative DAVIS of Sangerville 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Support Maine Veterans Nonprofit Corporations"

(H.P. 881) (L.D. 1190)

Signed:
Senators:
FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
VALENTINO of Saco
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)** on same Bill.

Signed:

Representative:
RUSSELL of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

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

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.

Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare (EMERGENCY)

(S.P. 219) (L.D. 790)
(C. "A" S-127)

TABLED - May 25, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **FINAL PASSAGE.**

On motion of Representative FITTS of Pittsfield, 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 **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-371)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is being attached to address an issue that I picked up on when looking through this bill. This bill deals with the funding for long-term care facilities that are outside of the certificate of need process and within that funding would be permitted to be reimbursed for energy efficiency improvements and within the Energy, Utilities and Technology Committee, we've tried very diligently to require that when funding was coming from the taxpayers, that it meet a cost effectiveness test. This amendment would just require that any of those energy efficiency upgrades that these facilities would be undertaking would be as a result of an audit. Within that audit process it would be demonstrated that they are cost effective or that they would be dealt with through the Efficiency Maine Trust and the processes there, just to ensure that people are doing cost effective improvements. That's it, Mr. Speaker. Thank you.

Subsequently, **House Amendment "A" (H-371)** was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-127)** and **House Amendment "A" (H-371)** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative BRIGGS of Mexico, the House adjourned at 1:51 p.m., until 10:00 a.m., Tuesday, May 31, 2011, pursuant to the Joint Order (S.P. 511) and in honor and lasting tribute to United States Army Private First Class Buddy McLain, of Peru.