

MAINE STATE LEGISLATURE

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

Daily Edition

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
14th Legislative Day
Tuesday, February 14, 2012

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

Prayer by Pastor Mark Allen Doty, Hammond Street Congregational Church, UCC, Bangor.

National Anthem by Matthew Small, Windham.

Pledge of Allegiance.

Doctor of the day, Scott Kemmerer, M.D., Hallowell.

The Journal of Thursday, February 9, 2012 was read and approved.

Representative MAZUREK of Rockland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

COMMUNICATIONS

The Following Communication: (H.C. 307)

**STATE OF MAINE
CLERK'S OFFICE**

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

February 14, 2012

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:"

Education and Cultural Affairs

L.D. 1782 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education (EMERGENCY)

Inland Fisheries and Wildlife

L.D. 274 An Act To Increase the Moose Permit Allocations for Zones 2 and 3

Insurance and Financial Services

L.D. 1666 An Act To Guarantee Basic Preventive Dental Health Services for Children in Maine

Labor, Commerce, Research and Economic Development

L.D. 1665 Resolve, To Direct the Department of Economic and Community Development To Convene a Task Force To Bolster and Expand Exports of Maine Products and Services (EMERGENCY)

Taxation

L.D. 1641 An Act To Ensure Equal Tax Treatment for Private-pay and MaineCare-participating Providers of Residential Care to Persons Who Are Elderly or Disabled (EMERGENCY)

Transportation

L.D. 1672 An Act To Allow Disabled Veterans To Receive 2 Sets of Special Designating License Plates

Veterans and Legal Affairs

L.D. 1612 An Act Relating to the Liquor Laws Governing Off-premises Catering at Planned Public Events or Gatherings

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

Sincerely,

S/Heather J.R. Priest

Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Regarding Access to Eastern Road in Scarborough (H.P. 1340) (L.D. 1817)

Sponsored by Representative VOLK of Scarborough. (GOVERNOR'S BILL)

Cosponsored by Senator BARTLETT of Cumberland and Representative: CLARK of Millinocket, Senator: MARTIN of Kennebec.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Maine Milk Commission**

Representative EDGECOMB for the **Maine Milk Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY)

(H.P. 1341) (L.D. 1819)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative FLOOD for the **Joint Standing Committee on Appropriations and Financial Affairs** on Bill "An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government" (EMERGENCY)

(H.P. 1339) (L.D. 1816)

Reporting **Ought to Pass** pursuant to Public Law 2011, chapter 380, Part KKK, section 6.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, February 15, 2012.

Refer to the Committee on Energy, Utilities and Technology Pursuant to Public Law

Representative FITTS for the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities"

(H.P. 1342) (L.D. 1820)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to Public Law 2011, chapter 106, section 2.

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

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-694)** on Bill "An Act To Dedicate a Percentage of the Sales and Use Tax on Motor Vehicles and Motor Vehicle Parts to the Highway Fund"

(H.P. 45) (L.D. 52)

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
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
BICKFORD of Auburn
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.

CONSENT CALENDAR

First Day

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

(H.P. 1248) (L.D. 1696) Bill "An Act To Modify the Alternative Organizational Structure Budget Approval Process" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1279) (L.D. 1729) Bill "An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1281) (L.D. 1734) Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1233) (L.D. 1643) Bill "An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-697)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 533) (L.D. 1623) Bill "An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority" (EMERGENCY) (C. "A" S-373)

(H.P. 1206) (L.D. 1599) Bill "An Act To Amend Deferred Disposition under the Maine Juvenile Code"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

BILLS IN THE SECOND READING

House

Resolve, To Promote the Expansion of the Maine Maple Sugar Industry (EMERGENCY)

(H.P. 1338) (L.D. 1814)

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

ENACTORS

Emergency Measure

An Act To Provide a Sales Tax Exemption to Commercial Horticulturists

(H.P. 187) (L.D. 234)

(C. "B" H-687)

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

Emergency Measure

An Act To Ensure the Safety of Bait Used in Maine's Fishery
(H.P. 1218) (L.D. 1609)
(C. "A" H-690)

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

Emergency Measure

Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans
(H.P. 1209) (L.D. 1601)
(C. "A" H-686)

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. 122 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act Regarding the School Fund in the Town of Burlington
(H.P. 1264) (L.D. 1712)

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

On motion of Representative VOLK of Scarborough, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Omega Jones, of South Portland
(HLS 980)

Was **ADOPTED**.

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

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

On motion of Representative MAZUREK of Rockland, the House adjourned at 10:54 a.m., until 10:00 a.m., Wednesday, February 15, 2012.