

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
18th Legislative Day
Wednesday, February 22, 2012

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

Prayer by Pastor Robert Emrich, Emmanuel Bible Baptist Church, Plymouth.

National Anthem by Heart 'n Soul Quartet.

Pledge of Allegiance.

Doctor of the day, Carla Burkley, M.D., and William Talpey, Jr. M.D., Auburn.

The Journal of yesterday was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Establish the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 1350) (L.D. 1830)

Sponsored by Representative TIMBERLAKE of Turner. (GOVERNOR'S BILL)

Cosponsored by Senator THIBODEAU of Waldo and Representatives: AYOTTE of Caswell, BEAVERS of South Berwick, BENNETT of Kennebunk, BLACK of Wilton, BURNS of Whiting, CEBRA of Naples, CLARK of Millinocket, COTTA of China, CRAY of Palmyra, CURTIS of Madison, DILL of Old Town, DUNPHY of Embden, EDGECOMB of Caribou, FITTS of Pittsfield, FOSTER of Augusta, GIFFORD of Lincoln, GILLWAY of Searsport, GRAHAM of North Yarmouth, GUERIN of Glenburn, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, KENT of Woolwich, KESCHL of Belgrade, LIBBY of Waterboro, LONG of Sherman, MAKER of Calais, McCABE of Skowhegan, MORISSETTE of Winslow, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, O'CONNOR of Berwick, PARKER of Veazie, PICCHIOTTI of Fairfield, PRESCOTT of Topsham, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, SARTY of Denmark, TURNER of Burlington, WILLETTE of Mapleton, WILLETTE of Presque Isle, Senators: MASON of Androscoggin, ROSEN of Hancock, SHERMAN of Aroostook.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

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

**REPORTS OF COMMITTEE
Ought to Pass Pursuant to Joint Rule**

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System

(S.P. 628) (L.D. 1818)

Reporting **Ought to Pass** pursuant to Joint Rule 353.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE** and was assigned for **SECOND READING** Thursday, February 23, 2012.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Representative STRANG BURGESS for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances"

(H.P. 1349) (L.D. 1829)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order, H.P. 1328.

Report was **READ**.

On motion of Representative NUTTING of Oakland, **TABLED** pending **ACCEPTANCE** of the Committee 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:

(S.P. 597) (L.D. 1740) Bill "An Act To Remove the Repeal Date for Outcome-based Forestry" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1327) (L.D. 1800) Bill "An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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. 1261) (L.D. 1709) Bill "An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area"

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

(S.P. 473) (L.D. 1503) Bill "An Act To Promote School Attendance and Increase School Achievement" (C. "B" S-378)

On motion of Representative RICHARDSON of Carmel, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Amend the Laws Governing Discontinued Town Ways"

(S.P. 522) (L.D. 1596)
(C. "A" S-377)

House as Amended

Bill "An Act To Support Maine Farms and Alleviate Hunger"

(H.P. 862) (L.D. 1164)
(C. "A" H-710)

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 Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Bill "An Act To Amend the Labor Laws Relating to Certain Agricultural Employees"

(H.P. 898) (L.D. 1207)
(C. "B" H-691)

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As we heard in the debate yesterday, there are many disagreements on this bill, a very close vote, and for that reason I had asked to have another roll call today. Many of us received testimony in opposition from the Roman Catholic Diocese of Portland and I'd like to share a letter with you. It said that the Catholic Church has for decades been outspoken in its defense of the worker and worker rights. We take this position out of the conviction that work must always be at the core of respect and serve to enhance the dignity of a human person. Work of its own accord has no value. It is the human element present in work that brings value. It is for this perspective that we oppose LD 1207. If enacted, in our opinion, it would impact upon the lives of the most abused, most forgotten, and most ignored laborers in America, the agricultural worker and specifically those working in the egg processing industry. My personal history with the issue impacting upon the egg processing workers in a certain particular plant goes back several decades. I can still vividly remember the documented abuses to workers which led to the lawsuit in which the Catholic Diocese partnered. The revelations that emerged from the legal process were sad and spoke to the blatant disregard for the God-given dignity of each and every human being. LD 1207 may be well intentioned, but unfortunately I fear it, in reality, will further provide opportunities for those without scruples to exploit egg processing workers who already are poor and lacking in the fundamental tools to defend their own interests. Members of the Legislature, I humbly ask you to scrutinize this proposal and to judge it on its own merits, that this bill recognize the respect, the God-given dignity of a worker, and what it proposes to do, or does it as an unintended consequence further exploit vulnerable agricultural workers. Indeed, the answer is the latter. You have no choice but to vote no on this bill. Thank you, Mr. Speaker.

On motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

ENACTORS

Emergency Measure

An Act To Authorize the Commissioner of Transportation To Allow Certain Vehicles To Operate on the Interstate System

(S.P. 527) (L.D. 1617)
(C. "A" S-376)

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. 132 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, 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

(H.P. 1281) (L.D. 1734)

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. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll

(H.P. 1233) (L.D. 1643)
(C. "A" H-697)

An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities

(H.P. 1279) (L.D. 1729)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013

(S.P. 595) (L.D. 1736)

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.

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.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENACT THE SOCIAL SECURITY FAIRNESS ACT OF 2011

(S.P. 63)

- In Senate, **READ** and **ADOPTED**.

TABLED - February 21, 2012 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - **ADOPTION.**

Subsequently, on motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of adding all Members of the Joint Standing Committee on Appropriations and Financial Affairs as co-sponsors.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

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

On motion of Representative COTTA of China, the House adjourned at 10:53 a.m., until 10:00 a.m., Thursday, February 23, 2012.