

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
23rd Legislative Day
Tuesday, March 6, 2012

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

Prayer by Pastor Aaron Martin, Winterport Baptist Church.

National Anthem by Sammie Angel, Dixfield.

Pledge of Allegiance.

Doctor of the day, Su-Anne Hammond, D.O., Windham.

The Journal of Thursday, March 1, 2012 was read and approved.

Representative McFADDEN of Dennysville assumed the Chair.

The House was called to order by the Speaker Pro Tem.

COMMUNICATIONS

The Following Communication: (H.C. 322)

**STATE OF MAINE
125TH LEGISLATURE**

February 27, 2012

Major General (Retired) John W. Libby

The Adjutant General, Maine National Guard

33 State House Station

Camp Keyes

Augusta, Maine 04333

Dear General Libby:

We are pleased to reschedule your address to a Joint Session of the 125th Maine Legislature on Wednesday, March 7, 2012 at 11:00 a.m. concerning matters of defense, veterans' services and emergency management matters and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye

President of the Senate

S/Robert W. Nutting

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 323)

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

March 6, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 1, 2012

Ellen Shillinglaw of Orr's Island and

Richelle R. Wallace of Auburn for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

On March 2, 2012

Scott M. Davis, M.D. of Bangor,

Kevin S. Flanigan, M.D. of Pittsfield,

Marcia A. Kyle of Rockport and

Glenn E. Mower of Bangor for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, these nominations will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Robert W. Nutting

Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 324)

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

March 6, 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:"

Appropriations and Financial Affairs

L.D. 63

An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line (BOND ISSUE)

L.D. 111

An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide (BOND ISSUE)

L.D. 263

An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute (BOND ISSUE)

L.D. 409

An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement

L.D. 417

An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine (BOND ISSUE)

L.D. 420

An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island (BOND ISSUE)

L.D. 470

An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute (BOND ISSUE)

L.D. 741

An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business (BOND ISSUE)

L.D. 777

An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math

- L.D. 842 To Enhance Economic Development and Employment Opportunities for Maine Citizens (BOND ISSUE)
An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources (BOND ISSUE)
- L.D. 948 An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency (BOND ISSUE)
- L.D. 979 An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine (BOND ISSUE)
- L.D. 990 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Road and Bridge Construction (BOND ISSUE)
- L.D. 1187 An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy (BOND ISSUE)
- L.D. 1240 An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency (BOND ISSUE)
- L.D. 1386 An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine (BOND ISSUE)

Education and Cultural Affairs

- L.D. 1668 An Act To Improve the Regional School Unit Budget Approval and Validation Process

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

Bill "An Act To Ensure Funding for the Victims' Compensation Fund"

(H.P. 1362) (L.D. 1841)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Cosponsored by Senator KATZ of Kennebec and Representatives: CHASE of Wells, CLARK of Easton, KESCHL of Belgrade, MALONEY of Augusta, STEVENS of Bangor, WINSOR of Norway, Senators: HILL of York, ROSEN of Hancock.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Charter of the Bingham Water District" (EMERGENCY)

(H.P. 1363) (L.D. 1842)

Sponsored by Representative DUNPHY of Embden. Cosponsored by Representatives: ESPLING of New Gloucester, McCLELLAN of Raymond.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

Bill "An Act To Limit MaineCare Reimbursement for Methadone Treatment"

(H.P. 1361) (L.D. 1840)

Sponsored by Representative BURNS of Whiting.

Cosponsored by Senator THIBODEAU of Waldo and Representatives: DOW of Waldoboro, ESPLING of New Gloucester, GIFFORD of Lincoln, HANLEY of Gardiner, STRANG BURGESS of Cumberland, TILTON of Harrington, TURNER of Burlington, Senator: SHERMAN of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative BENNETT of Kennebunk, the following Joint Resolution: (H.P. 1365) (Cosponsored by President RAYE of Washington and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGEComb of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF

of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION RECOGNIZING MULTIPLE SCLEROSIS AWARENESS WEEK, MARCH 12 TO MARCH 18, 2012

WHEREAS, multiple sclerosis is a chronic, often disabling disease of the central nervous system that typically strikes in young adulthood and for which there is no cure at present; and

WHEREAS, multiple sclerosis affects 400,000 people nationwide, including 8,000 to 10,000 children and teens; over 3,000 individuals in Maine have the disease, which is one of the highest per capita rates in the nation; and

WHEREAS, there is conclusive evidence of an increased incidence of multiple sclerosis in veterans of the Gulf War; and

WHEREAS, the National Multiple Sclerosis Society is a driving force of multiple sclerosis research, pursuing prevention, treatment and cure, and the Greater New England Chapter of the National Multiple Sclerosis Society educates, supports and advocates for people with multiple sclerosis and their families to help them maintain the highest possible quality of life; and

WHEREAS, the Greater New England Chapter of the National Multiple Sclerosis Society encourages individuals with multiple sclerosis and their families, health professionals and other concerned citizens to join the movement to advocate for policy change in the priority areas of high-quality health care,

health care coverage, long-term care and disability rights; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that the week of March 12 to March 18, 2012 is designated as Multiple Sclerosis Awareness Week; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative FLOOD of Winthrop, the following Joint Order: (H.P. 1367) (Cosponsored by Representative ROTUNDO of Lewiston and Senators: HILL of York, ROSEN of Hancock)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the House, a bill to make supplemental appropriations and allocations for the expenditures of State Government and to change certain provisions of the law necessary to the proper operations of State Government to address revenue shortfalls projected for the fiscal year ending June 30, 2012.

READ and PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Rotary Club of South Portland-Cape Elizabeth for its 50 years of dedicated service. Locally and internationally, the Rotary Club has made its mark, providing initial funding for Hinckley Park in South Portland and for the community picnic shelter at Fort Williams Park in Cape Elizabeth, assisting an orphanage in Kenya, a birthing center in Nepal and a school in Mexico. It has joined Rotarians around the world in helping to eradicate polio. Contributing to the restoration of the Portland Breakwater Lighthouse, supporting local educational initiatives and providing scholarships to local students are just part of over \$1,000,000 in charitable efforts of the club since its founding. The Rotary Club of South Portland-Cape Elizabeth has truly continued to honor Rotary's motto of "Service Above Self." We extend our appreciation to the Rotary Club of South Portland-Cape Elizabeth for its many years of commitment to the citizens of the State and people around the world;

(HLS 1017)

Presented by Representative EBERLE of South Portland.

Cosponsored by Senator DILL of Cumberland, Representative MORRISON of South Portland, Representative KAENRATH of South Portland, Representative MONAGHAN-DERRIG of Cape Elizabeth.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Mr. Speaker. You are doing a great job. I would like to just make a note here in reference to this item. In addition to the astonishing work that the

Rotary Club has done, just read by the Clerk, I know that many people here are Rotarians and know the good work that they do in your communities. But in the community of South Portland and Cape Elizabeth, the Rotary is a phenomenal and ongoing and consistent supporter of many local initiatives. If you've been in South Portland during the holiday season and have seen the tree sales in the park, in Mill Creek, that's the Rotary, and from those sales they fund many educational initiatives in the community.

Recently, in sort of a disappointing move by the Rotary, they scheduled a winter fest and were unable to come up with snow and ice for their winter fest. But, undaunted, they brought in a snow maker and continued winter fest anyway and the proceeds will help pay for a warming shed at Mill Creek for the skaters on the pond.

In addition to those other initiatives, they have recently donated a considerable amount of money to the South Portland School Department to help fund a STEM project. It's a cooperative project between the middle school students, the U.S. Navy and the Compass Project, and they will be building robotic submarines to do a water quality project. The South Portland-Cape Elizabeth Rotary is indeed a valued member of the community and I would like to congratulate them on their 50th anniversary. Thank you, Mr. Speaker.

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

In Memory of:

Francis S. Harvey, of Kenduskeag, a registered professional engineer and land surveyor and active member of his community. He was born in Bangor and graduated from the University of Maine at Orono with a Bachelor of Science degree in mechanical engineering. Mr. Harvey worked for Eastern Fine Pulp and Paper Standard Packaging in Brewer for 16 years and served as assistant director of facilities for the University of Maine System in Bangor for 23 years. Mr. Harvey was active in the Kenduskeag community, serving as president of Kenduskeag Cemetery Association for 23 years, moderating Kenduskeag town meetings for more than 40 years and serving as the Kenduskeag Fire Chief for 13 years. He was a lifetime member and honorary deacon of Kenduskeag Union Church, and served as treasurer of the church for 25 years. Mr. Harvey was a member of SAD No. 64's Board of Directors for 45 years, including 30 years as chair. He was also a long-time member of numerous fraternal organizations, including Kenduskeag Lodge No. 137 AF & AM, for which he was a 50-year member, past master and secretary. Mr. Harvey will be greatly missed and long remembered by his loving family and friends;

(HLS 1014)

Presented by Representative GUERIN of Glenburn.

Cosponsored by Senator PLOWMAN of Penobscot.

On **OBJECTION** of Representative GUERIN of Glenburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Refer to the Committee on State and Local Government Pursuant to Statutes

Representative BURNS for the **Government Oversight Committee** on Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government

Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities"

(H.P. 1364) (L.D. 1843)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

Ought to Pass

Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Correct an Inconsistency in the Employment Security Law"

(S.P. 614) (L.D. 1777)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-399)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **SENATE AMENDMENT "A" (S-399) READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, March 7, 2012.

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 1303) (L.D. 1769)

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren

FITZPATRICK of Houlton

McKANE of Newcastle

MORISSETTE of Winslow

PICCHIOTTI of Fairfield

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford

BECK of Waterville

GOODE of Bangor

MORRISON of South Portland

TREAT of Hallowell

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 7, 2012.

**CONSENT CALENDAR
First Day**

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

(S.P. 585) (L.D. 1720) Bill "An Act To Increase the Membership of the Homeland Security Advisory Council" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 602) (L.D. 1754) Bill "An Act To Amend Certain Provisions of Law Governing the Department of Corrections" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 528) (L.D. 1618) Bill "An Act To Amend the Laws Governing the Maine Clean Election Act" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-405)**

(S.P. 536) (L.D. 1626) Bill "An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-404)**

(S.P. 540) (L.D. 1630) Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-403)**

(S.P. 563) (L.D. 1664) Bill "An Act To Amend the Election Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-402)**

(H.P. 572) (L.D. 765) Bill "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-737)**

(H.P. 1288) (L.D. 1747) Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-734)**

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

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 526) (L.D. 1616) Bill "An Act Concerning Copying Fees for Users of County Registries of Deeds" (EMERGENCY)

(S.P. 534) (L.D. 1624) Bill "An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act" (C. "A" S-396)

(S.P. 562) (L.D. 1663) Bill "An Act To Correct Errors in Recently Enacted Laws Governing Agency Liquor Stores" (EMERGENCY) (C. "A" S-395)

(S.P. 578) (L.D. 1679) Bill "An Act To Conform Maine's Prescription Drug Privacy Laws with the United States Constitution" (C. "A" S-397)

(S.P. 582) (L.D. 1682) Bill "An Act To Allow Employees of the Small Enterprise Growth Board To Participate in the State's Group Health Plan" (EMERGENCY) (C. "A" S-393)

(S.P. 592) (L.D. 1732) Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws" (C. "A" S-391)

(S.P. 606) (L.D. 1758) Bill "An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides" (C. "A" S-392)

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

**ENACTORS
Emergency Measure**

An Act To Provide for the 2012 and 2013 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 593) (L.D. 1733)
(C. "A" S-388)

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. 124 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

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 1285) (L.D. 1743)

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. 124 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

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education

(H.P. 1306) (L.D. 1775)
(C. "A" H-713)

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 Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Dedicate a Percentage of the Sales and Use Tax on Automobiles and Motorcycles to the Highway Fund
(H.P. 45) (L.D. 52)
(C. "A" H-694)

An Act To Amend the Application Process for the Progressive Treatment Program
(S.P. 285) (L.D. 897)
(C. "A" S-389)

An Act To Clarify the Laws Governing Pharmacy Interns
(H.P. 1217) (L.D. 1608)
(C. "A" H-715)

An Act To Amend the Organization of the Quality Assurance Review Committee
(S.P. 535) (L.D. 1625)

An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters
(H.P. 1321) (L.D. 1795)

An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits
(H.P. 1352) (L.D. 1832)

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.

Resolves

Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses
(H.P. 1241) (L.D. 1689)
(C. "A" H-716)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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.

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 Thursday, March 1, 2012, 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 in Memory of Omega Jones, of South Portland
(HLS 980)

TABLED - February 14, 2012 (Till Later Today) by Representative VOLK of Scarborough.
PENDING - **ADOPTION**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-732)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers"
(H.P. 1237) (L.D. 1685)

TABLED - March 1, 2012 (Till Later Today) by Representative O'CONNOR of Berwick.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-732)** was **READ** by the Clerk and **ADOPTED**.

On motion of Representative NUTTING of Oakland, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-732)** was **ADOPTED**.

Representative O'CONNOR of Berwick **PRESENTED House Amendment "A" (H-744)** to **Committee Amendment "A" (H-732)**, which was **READ** by the Clerk and **ADOPTED**.

Representative BRYANT of Windham **REQUESTED** a roll call on **ADOPTION** of **Committee Amendment "A" (H-732)** as **Amended by House Amendment "A" (H-744)** thereto.

On motion of Representative CAIN of Orono, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-732)** as **Amended by House Amendment "A" (H-744)** thereto and later today assigned. (Roll Call Requested)

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Reduce Costs for Small Businesses"
(H.P. 764) (L.D. 1030)

Signed:

Senators:

WHITTEMORE of Somerset
BRANNIGAN of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
BEAUDOIN of Biddeford
BECK of Waterville
FITZPATRICK of Houlton
GOODE of Bangor
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield
TREAT of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)** on same Bill.

Signed:

Representative:

MORRISON of South Portland

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-733)** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"

(H.P. 176) (L.D. 199)

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 Not to Pass** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

CHIPMAN of Portland
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

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 "B" (H-733)** 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 "B" (H-733)** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill " An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers"

(H.P. 1237) (L.D. 1685)

Which was **TABLED** by Representative CAIN of Orono, pending **ADOPTION** of **Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744)** thereto. (Roll Call Requested)

Subsequently, Representative BRYANT of Windham **WITHDREW** his **REQUEST** for a roll call on **ADOPTION** of **Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744)** thereto.

Subsequently, **Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744)** 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**.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744)** thereto.

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. This unanimous report from the Committee on Labor, we worked very hard to craft a compromise acceptable to both parties and the amendment by Representative O'Connor essentially says that any amount of money that this bill would cost would be absorbed by the Department of Labor. This is a unanimous report and therefore I would ask that you support the bill.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was very pleased with the Committee Report coming out as unanimous. This bill, the only thing the amendment did was strip the fiscal note. It is going to be done within existing resources and I would like to let you know that I've spoken with multiple trucking people throughout the state. It is likely that this bill will save the industry hundreds of thousands of dollars, and it is in the best interest of the trucking industry to pass this bill as it's written. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 236

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Cain, Carey, Casavant, Cebra, Chase, Clark H, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hogan, Hunt, Johnson D, Johnson P, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Maloney, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Berry, Bryant, Chapman, Chipman, Goode, Harlow, Hinck, Innes Walsh, Kent, MacDonald, Mazurek, McCabe, O'Brien, Russell, Wagner R.

ABSENT - Celli, Clark T, Eves, Flemings, Foster, Herbig, Kaenrath, Martin, Prescott, Sanborn, Stuckey.

Yes, 124; No, 15; Absent, 11; Vacant, 1; Excused, 0.

124 having voted in the affirmative and 15 voted in the negative, 1 vacancy with 11 being absent, and accordingly under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-732) as Amended by House Amendment "A" (H-744)** thereto and sent for concurrence.

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

On motion of Representative McFADDEN of Dennysville, the House adjourned at 11:38 a.m., until 10:00 a.m., Wednesday, March 7, 2012.