

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
29th Legislative Day
Thursday, March 15, 2012

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

Prayer by Reverend Stephanie Salinas, First Baptist Church, Bangor.

Pledge of Allegiance.

Doctor of the day, Judith Chamberlain, M.D., Brunswick.

At this point, the Speaker recognized the Representative from Brewer, Representative CELLI, and he was added to the quorum call of the Second Regular Session of the 125th Legislature.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank (EMERGENCY) (H.P. 1313) (L.D. 1788)

Majority (8) **OUGHT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** in the House on March 8, 2012.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY SENATE AMENDMENT "A" (S-436)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress

(H.P. 1220) (L.D. 1611)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-742) in the House on March 7, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-742) AS AMENDED BY SENATE AMENDMENT "A" (S-437)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"

(H.P. 128) (L.D. 145)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-721) in the House on March 1, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-721) AS AMENDED BY SENATE AMENDMENT "A" (S-426)** thereto in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 331)

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

March 15, 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 13, 2012

Tyler C. Hadyniak of Freedom for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Ward I. Graffam, Esq. of Portland and

Tate Wagstaff of Ellsworth for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Kristin K. Bishop of Madison and

Heidi H. Sampson of Alfred for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

The Honorable Jean Ginn Marvin of Cape Elizabeth and Kaitlyn Kinsey of Fort Fairfield for appointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

On March 14, 2012

Susan Roy of Waterville for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Robert W. Bower, Jr. of Cumberland and

Abigail C. Yacoben of West Bath for appointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Robert W. Nutting

Speaker of the House

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

The Following Communication: (H.C. 332)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 12, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Board of Pesticides Control under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman
Senate Chair

S/Representative Peter E. Edgecomb
House Chair

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

The Following Communication: (H.C. 333)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 12, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Department of Conservation under the State Government Evaluation Act. In its review, the Committee found that the Department is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman
Senate Chair

S/Representative Peter E. Edgecomb
House Chair

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

The Following Communication: (H.C. 334)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 12, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Wild Blueberry Commission of Maine and the Wild Blueberry Advisory Committee under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman
Senate Chair

S/Representative Peter E. Edgecomb
House Chair

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

(H.P. 1393) (L.D. 1885)

Sponsored by Representative TILTON of Harrington.

Cosponsored by President RAYE of Washington and Representatives: BURNS of Whiting, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus.

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

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative FLOOD of Winthrop, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act Requiring Communication of Mammographic Breast Density Information to Patients"

(H.P. 1394) (L.D. 1886)

Sponsored by Representative HAYES of Buckfield.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CAIN of Orono, CUSHING of Hampden, RANKIN of Hiram, ROSEN of Bucksport, STRANG BURGESS of Cumberland.

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

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative RICHARDSON of Warren, **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative MAKER of Calais, the following Joint Resolution: (H.P. 1392) (Cosponsored by Senator SHERMAN of Aroostook and Representatives: AYOTTE of Caswell, ROTUNDO of Lewiston, TREAT of Hallowell, TURNER of Burlington, Senators: MARTIN of Kennebec, PATRICK of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO IMPROVE THE PROCESS USED TO NEGOTIATE AND APPROVE INTERNATIONAL TRADE AGREEMENTS

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the State of Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy in order to encourage meaningful transparency, appropriately acknowledge the vital role of state sovereignty and afford more meaningful congressional review and acceptance; and

WHEREAS, the State of Maine seeks to maximize the benefits and minimize any negative effects of international trade; and

WHEREAS, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's regulatory authority and constitutionally guaranteed authority to protect the public health, safety and welfare; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years has failed to operate in a transparent manner and failed to meaningfully consult with states on the far-reaching impact of trade agreements on state and local laws, even when binding the State of Maine to the terms of these agreements; and

WHEREAS, existing trade agreements have not done enough to ensure a level playing field for Maine workers and businesses or to include meaningful human rights, labor and environmental standards, which hurts Maine businesses, workers and communities; and

WHEREAS, the negative effect of existing trade agreements on Maine's regulatory authority and constitutionally guaranteed authority to protect the public health, safety and welfare has occurred in part because United States trade policy has been formulated and implemented in a process that lacks transparency, fails to properly recognize the principles of state sovereignty and lacks any meaningful opportunity for congressional review and acceptance; and

WHEREAS, the United States Trade Representative is currently negotiating the terms of a proposed Trans-Pacific Partnership Agreement, which will have a significant effect upon the citizens and commerce of the State of Maine; and

WHEREAS, there is a current opportunity for improving the process by which significant foreign trade policy agreements such as the Trans-Pacific Partnership Agreement are negotiated; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the President of the United States and the Congress of the United States to improve the process by which United States trade agreements are developed and implemented in order to encourage meaningful transparency and appropriately acknowledge the vital role of state sovereignty and afford more

meaningful opportunity for congressional review and acceptance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to Ambassador Ron Kirk, United States Trade Representative and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 44)

ORDERED, that Representative Douglas K. Damon of Bangor be excused March 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused March 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patrick S. A. Flood of Winthrop be excused March 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donald E. Pilon of Saco be excused March 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kerri L. Prescott of Topsham be excused March 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wesley E. Richardson of Warren be excused March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter B. Rioux of Winterport be excused February 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Linda F. Sanborn of Gorham be excused March 1, 6, 7 and 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter C. Stuckey of Portland be excused March 6 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan W. Welsh of Rockport be excused March 12 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Chief Warrant Officer Five David J. Longstaff, of Waterville, who is now deployed overseas and who is the recipient of the Legion of Merit Medal for exceptionally meritorious service while serving as the Assistant Chief of Staff, G4 Sustainment Operations Division Command Food Service Advisor/Theater Food Advisor. Chief Warrant Officer Five Longstaff received the Legion of Merit Medal for his outstanding performance and dedication to duty, which contributed significantly to the success of the unit's mission in support of Operations New Dawn and Enduring Freedom. Chief Warrant Officer Five Longstaff is also a 2003 recipient of the Bronze Star Medal. We send our appreciation to him on his dedicated commitment to the military and to the Nation, and we congratulate him on his receiving this well-deserved honor;

(HLS 1057)

Presented by Representative LOVEJOY of Portland.

Cosponsored by Senator MARTIN of Kennebec, Representative BECK of Waterville, Representative LONGSTAFF of Waterville.

READ and PASSED.

On motion of Representative LOVEJOY of Portland, the House **RECONSIDERED** its action whereby the Sentiment was **PASSED**.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. I apologize for my timing on this. I wanted to speak about Chief Warrant Officer Five David Longstaff. It was mentioned that, in 2003, he received the Bronze Star and that was for a RPG attack on he and his men. They managed to save those men, bring them all out without injury and, for that, he received the Bronze Star. The Legion of Merit is the sixth highest award that can be given under the military award system and it's for exceptionally meritorious conduct and service. To give you an idea of the level of this, this is awarded to officers. It's also awarded to, in some cases, foreign leaders. But I thought I would give a couple of names to put this in context, a couple of notable names who have received this medal. One is Dwight Eisenhower and the other one is John McCain. So I think it is truly exceptional and of course he is the son of our own Tom Longstaff, so I wanted to stand and recognize that. I had suggested that Tom put in a Sentiment and he's too modest to do that, but he certainly has a lot of reason to be very proud of his son.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As an old soldier, I'd like this honor to say a few words about Chief Warrant Officer David Longstaff. When I was in the Army we just instituted the rank of Master Warrant Officer. We call it Chief Warrant Officer Five now. In the Army, the warrant officers are really the technical experts in specialized fields. Becoming a CW Five is an extraordinary accomplishment and represents a true expert in his specialty. Chief Warrant Officer Five Longstreet was a food service expert and a technician. In addition to that, the award of the Legion of Merit and the Bronze Star for valor are unique qualifications or accomplishments for a man that is in a specialty. It is indicative of the types of conflicts that our modern Army has to cover these days, when you find people engaged in battle that are in some of these technical specialties. His attainment of the rank attests that he was a true expert in his specialty. His award for valor is testimony that he was a true expert in the military art and I think the final line on the citation of the Legion of Merit encompasses what this man's credentials are. It says that Chief Warrant Officer Five Longstaff's actions are keeping with the finest traditions of the military service; reflect great credit upon him, his unit, the United States Army Central Command and the United States Army. I think today we are honoring a true American hero. Thank you very much.

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

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing the Stonington Opera House, as it celebrates its 100th Anniversary

TABLED - January 31, 2012 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - PASSAGE.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In addition to being home for the activities listed in the Sentiment, it was a sad period of inactivity in the 1990s when the Stonington Opera House was home to a family of raccoons. Fortunately, four friends with a vision and an appetite for hard work saw the potential in the old building. Linda Nelson, Judith Jerome, Carol Estey and Linda Pattie formed Opera House Arts as a nonprofit in 1999, bought the building, cleaned it out and reopened it just a year later. The revitalization of the opera house is seen by many in Stonington as a key piece to the revitalization of Main Street. A show at the opera house means full tables at local restaurants and full rooms at local lodging establishments. It is a perfect example of a creative economy and how a nonprofit organization can create profits for the surrounding businesses. For many young people, some of whom are here today, the opera house provides their first chance to appear on the stage outside school. Congratulations to all involved in the opera house on their first 100 years and here's to another 100. Thank you, Mr. Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education"

(S.P. 621) (L.D. 1801)

Signed:

Senators:

HASTINGS of Oxford

DILL of Cumberland

Representatives:

NASS of Acton

BEAULIEU of Auburn

FOSSEL of Alna

SARTY of Denmark

WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-433)** on same Bill.

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

MALONEY of Augusta

MONAGHAN-DERRIG of Cape Elizabeth

MOULTON of York

PRIEST of Brunswick

ROCHELO of Biddeford

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 **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-428)** on Bill "An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education"

(S.P. 541) (L.D. 1631)

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLDUC of Auburn
CASAVANT of Biddeford
CEBRA of Naples
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-429)** on same Bill.

Signed:

Representative:

BOLAND of Sanford

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-428)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-428)** 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-428)** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-398)** on Bill "An Act To Provide Funding to the Department of Transportation for a Feasibility Study of an East-west Highway" (EMERGENCY)

(S.P. 570) (L.D. 1671)

Signed:

Senators:

COLLINS of York

THOMAS of Somerset

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
RIOUX of Winterport
ROSEN of Bucksport
WILLETTE of Mapleton

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

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

HOGAN of Old Orchard Beach
MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska

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-398)**.

READ.

Representative CEBRA of Naples 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 Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws"

(S.P. 383) (L.D. 1262)

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" (S-432)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

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

Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-774)** on Bill "An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste" (H.P. 646) (L.D. 879)

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
HARLOW of Portland
KNAPP of Gorham
LONG of Sherman
NASS of Acton
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-775)** on same Bill.

Signed:

Representative:

INNES of Yarmouth

READ.

Representative HAMPER of Oxford 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.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Clarify Case Management Supervision Authority and Ensure Access to Case Management Services" (EMERGENCY) (H.P. 1244) (L.D. 1692)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick

SANDERSON of Chelsea
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-782)** on same Bill.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

READ.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-783)** on Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to Freestanding Methadone Clinics (H.P. 1246) (L.D. 1694)

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick
SANBORN of Gorham
STUCKEY of Portland

READ.

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-783)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-783)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend and Clarify the Public Charter School Law
(S.P. 607) (L.D. 1762)
(C. "A" S-422)

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

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

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

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

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. 253

YEA - Ayotte, Beliveau, Bennett, Black, Boland, Burns DC, Casavant, Cebra, Celli, Chapman, Chase, Crafts, Cray, Crockett, Curtis, Cushing, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, Maloney, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Timberlake, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Waterhouse, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Berry, Bickford, Blodgett, Bolduc, Briggs, Bryant, Cain, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Dill J, Dion, Driscoll, Duchesne, Edgcomb, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Martin, Mazurek, Monaghan-Derrig, Morrison, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Stevens, Stuckey, Theriault, Treat, Webster, Willette A, Willette M.

ABSENT - Beaulieu, Carey, Damon, Eberle, Haskell, McCabe, Sanborn, Tilton, Weaver.

Yes, 80; No, 61; Absent, 9; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Protect Public Safety in the Operation of Casinos
(S.P. 632) (L.D. 1828)
(C. "A" S-431)

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 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics

(S.P. 654) (L.D. 1873)

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 3 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 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education

(H.P. 1273) (L.D. 1724)

(C. "A" H-749)

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 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles

(H.P. 1212) (L.D. 1603)

(C. "A" H-739)

An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket

(H.P. 1235) (L.D. 1683)

(C. "A" H-750)

An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services

(S.P. 584) (L.D. 1719)

(C. "A" S-430)

An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection

(H.P. 1283) (L.D. 1738)

(C. "A" H-752)

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 Secretary of State To Study Voter Participation and Registration and the Conduct of Elections in the State

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

(C. "B" H-733)

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:

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.

Majority (11) **Ought to Pass as Amended by Committee Amendment "B" (H-772)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "C" (H-773)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Concerning Solid Waste Facility Citizen Advisory Committees"

(H.P. 522) (L.D. 693)

TABLED - March 14, 2012 (Till Later Today) by Representative HAMPER of Oxford.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "B" (H-772) was READ** by the Clerk.

Representative DUCHESNE of Hudson **PRESENTED House Amendment "A" (H-786) to Committee Amendment "B" (H-772)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. This is a technical amendment that corrects how an applicant fulfills the notification requirement contained in the bill. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-786) to Committee Amendment "B" (H-772) was ADOPTED.**

Committee Amendment "B" (H-772) as Amended by House Amendment "A" (H-786) 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 "B" (H-772) as Amended by House Amendment "A" (H-786) thereto and sent for concurrence.**

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

SENATE PAPERS

Bill "An Act To Clarify the Regulation of Private Natural Gas Pipelines"

(S.P. 660) (L.D. 1883)

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

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Enhance Opportunities for the Sale of Lottery Tickets" (EMERGENCY)

(S.P. 657) (L.D. 1880)

Bill "An Act To Establish a Presidential Primary in the State"

(S.P. 659) (L.D. 1882)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 666)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Monday, March 19, 2012, at 10:00 in the morning.

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

READ and PASSED in concurrence.

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

Representative **EDGECOMB**: Mr. Speaker, I tried to get ahead of your hammer, or gavel, excuse me, but I rise for information. May I state the request?

The SPEAKER: The Representative may proceed.

Representative **EDGECOMB**: My date book has that we will begin our session at 9 am. Am I wrong in having that in my date book? This one says 10 am.

The SPEAKER: The Chair would advise the Representative his date book is not wrong and I was just about to explain that.

Representative **EDGECOMB**: Thank you, Mr. Speaker.

The SPEAKER: Despite the fact that the schedule has previously shown beginning on Monday that we would start session at 9 o'clock, we have decided that at least for Monday that we will continue to start the House in session at 10 o'clock. We are having other discussions about whether we frankly want to start at 9, if there's a benefit to that. There may be later on, we're not sure. But we will discuss that today and we will let you know before Monday. But for Monday, we are going to start at 10 o'clock.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig, who wishes to address the House on the record.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Being absent on the vote of 1873, I'd like to be recorded as voting yes on LD 1873.

The following Joint Resolution: (S.P. 662)
JOINT RESOLUTION IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION OF THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been

an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 20 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; 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 encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

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

READ and **ADOPTED** in concurrence.

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

On motion of Representative PLUMMER of Windham, the House adjourned at 11:39 a.m., until 10:00 a.m., Monday, March 19, 2012 pursuant to the Joint Order (S.P. 666).